

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 6841 OF 2023

Between:

Sundaram Madhu Shanker, S/o. Subramanyam Sundaram, Occ : Business,
R/o.H.No.47-15/1/2 Plot No-12, Occ : Business, Sri Sal Colony, Near ST Martin
School, Chintal, Hyderabad, Telangana- 500054.

.....PETITIONER/SOLE ACCUSED

AND

1. The State of Telangana, through P.S. Panjagutta, Rep. by its Public
Prosecutor, High Court of Judicature for the State of Telangana, Hyderabad.
2. Boini Thirupathi, S/o. Boini Shankar, Age. 32 yrs, Caste. Yadav BC-D, Occ.
Business, R/o. Flat No. 506, Heavenly Homes, Road No. 1, Alakpuri Colony,
Kothapet, Hyderabad.

.....RESPONDENTS

I.A.NO:2 OF 2023

Petition Under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings in FIR.No.437/2023 Dated on 28-05-2023 Under Section 420 IPC on the file of Jeedimetla Police Station, Cyberabad., Telangana, including arrest of the Petitioner herein pending the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s.Manoj Maharaj Ganji, Advocate for the Petitioner and the Assistant Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and Advocate for the Respondent No.2 None Appeared.

The Court made the following Order :-

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.6841 OF 2023

ORDER:

The petitioner is questioning the registration of crime in F.I.R.No.437 of 2023 for the alleged offence under Section 420 of I.P.C., on the file of Jeedimetla Police Station, Cyberabad.

2. The case of the complainant/respondent No.2 is that the complainant had invested money in the company of the petitioner – accused and part of the amounts were returned, however, remaining amount is unpaid. Hence, the transactions are civil in nature.

3. Keeping in view the fact that the issue involved is civil in nature, this Court deems it appropriate to direct the police to strictly follow the procedure as contemplated under Section 41-A Cr.P.C and also the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹ scrupulously and conclude the investigation without taking any coercive steps against the petitioner – accused. However,

¹ (2014) 8 SCC 273

petitioner – accused shall appear as and when required by the police for the purpose of investigation.

4. Accordingly, this Criminal Petition is disposed of at the admission stage.

Miscellaneous applications, if any, pending in this criminal petition, shall stand closed.

Sd/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The VIII Additional Metropolitan Magistrate at Medchal, Cyberabad, Medchal District.
2. The Station House Officer, Jeedimetla Police Station, Cyberabad.
3. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to M/s. Manoj Maharaj Ganji, Advocate [OPUC]
5. Two CD Copies

SA

Pme.

HIGH COURT

DATED:26/07/2023

ORDER

CRLP.No.6841 of 2023



**DISPOSING OF THE CRIMINAL PETITION
WITHOUT COSTS.**

⑧ pmg.
24/8/23.