

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

**WEDNESDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION No: 12789 of 2015

Between:

R.Nemichand Katri, S/o.Ridmaljikatri, Aged about 55 years, Occ: Business,
R/o.H.No.6-2-457/58/2, Risala Abdullah, Hyderabad, Telangana State.

...Petitioner/Accused

AND

1. The State of Telangana, through Station House Officer, Afzalgunj P.S.,
Hyderabad rep. by Public Prosecutor, High Court of Judicature at Hyderabad.
2. Devilal Katri, S/o.Sri Late Sardamal Katri, Aged about 48 years, Occ
Business, R/Door No.5-2-663, Risala Abdullah, Hyderabad.

...Respondents/Complainant

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 call for the records in connection with the Crime in FIR.No.446 of 2015 on the file of the Police Station Afzalgunj, Hyderabad and to quash the proceedings thereon, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

I.A. NO: 1 OF 2016(CRLPMP. NO: 19082 OF 2016)

Between:

The State of Telangana, through Station House Officer, Afzalgunj P.S., Hyderabad
rep. by Public Prosecutor, High Court of Judicature at Hyderabad.

...Petitioner/Respondent

AND

1. R.Nemichand Katri, S/o.Ridmaljikatri, Aged about 55 years, Occ- Business,
R/o.H.No.6-2-457/58/2, Risala Abdullah, Hyderabad, Telangana State.

...Respondent/Accused

2. Devilal Katri, S/o.Sri Late Sardamal Katri, Aged about 48 years, Occ-
Business, R/Door No.5-2-663, Risala Abdullah, Hyderabad.
(R-2 is not necessary party)

... Complainant /Respondent

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 vacate the interim stay granted in Crl.P.MP.No.12741 of 2015 in
Crl.P.No.12789 of 2015 on the file of the Hon'ble High Court dated 3-12-2015.

I.A. NO: 2 OF 2015(CRLPMP. NO: 12741 OF 2015)

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 grant stay of all further proceedings including the appearance of the
petitioner in connection with the Crime in FIR No.446 of 2015 on the file of the
Police Station, Afzalgunj, Hyderabad pending disposal of the main Criminal
Petition.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri AVINASH
KARANKOTI, Advocate for the Petitioner and the Mr. VIZARATH ALI, Assistant
Public Prosecutor on behalf of the Respondent No.1 and of Sri PAWAN KUMAR
AGARWAL (Not Present) Advocate for the Respondent No.2.

The Court made the following: ORDER

1

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL PETITION No.12789 OF 2015

ORDER:

The present Criminal Petition is filed seeking to quash the F.I.R.No.446 of 2015 on the file of the Station House Officer, Afzalgunj Police Station, Hyderabad registered against the petitioner for the offences punishable under Sections.295A, 298, 327, 426, 427, 447, 448, 504, 505 of I.P.C. r/w Section 156(3) of Cr.P.C.

2. Heard Mr. Avinash Karankoti, learned counsel for the petitioner appearing on-line and Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for respondent No.1 State.

3. The brief facts of the case are that respondent No.2 filed a complaint against the petitioner alleging that the petitioner was threatening respondent No.2 and other members of the locality, who were businessmen, in order to extort money for gaining unlawfully. When respondent No.2 and other members refused to offer money, the petitioner filed false, frivolous and vexatious cases against them and thereby put them to suffer mental agony and hardship. Further, the petitioner circulated false letters and made false allegations against respondent No.2, in the name of

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his caste and religion thereby, created feelings of enmity and ill-will among different classes of people in the society. Basing on the said allegations, the present complaint was registered.

4. Learned counsel for the petitioner submitted that respondent No.2 falsely implicated him in the present crime as a counter blast to F.I.R.No.236 of 2013 which was registered on 26.04.2013 i.e., prior to the impugned F.I.R., wherein this petitioner was the complainant. Therefore, learned counsel submits that the impugned F.I.R. is registered with a malafide intention in order to harass the petitioner herein and the same if investigated into, would not withstand the scrutiny of law. Therefore, seeks to allow the Criminal Petition.

5. Learned Assistant Public Prosecutor submits that this Court vide order dated 03.12.2015 granted interim stay of all further proceedings in Crime No.446 of 2015 until further orders. In view of the interim stay granted by this Court, the investigation process had been stalled. Therefore, seeks to pass appropriate orders.

6. A perusal of record shows that the offences alleged against the petitioner are punishable with less than seven years of imprisonment. Since the punishment prescribed for the said

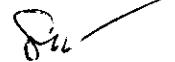
offences is less than seven years, without going into merits of the case, the respondent-Police are directed to conduct and conclude the investigation strictly following the procedure contemplated under Section 41-A of Cr.P.C. and the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ scrupulously. Needless to mention that, any deviation in this regard shall be viewed seriously.

7. With the above direction, the Criminal Petition is disposed of. The respondent-Police are directed to conduct and conclude the investigation as expeditiously as possible preferably within three (3) months from the date of receipt of a copy of the order. The petitioner is directed to co-operate with the investigation agency to arrive a logical conclusion.

Miscellaneous Petitions, pending if any, shall stand closed.

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Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR



SECTION OFFICER

To,

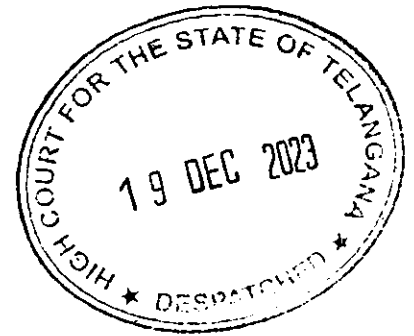
1. The II Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Afzalgunj Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to Mr. AVINASH KARANKOTI, Advocate [OPUC]
5. One CC to SRI PAWAN KUMAR AGARWAL, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:22/11/2023



ORDER

CRLP.No.12789 of 2015

DISPOSING OF THE CRIMINAL PETITION

⑨ VW
18/12/23