

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

WEDNESDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10984 OF 2023

Between:

Mohd. Fayaz Ahmed @ Faiz @ M.A. Majeed Faiz,, S/o. Mohammed Awaiz Ahmed
@ M.A.Waheed Awaiz, Aged about 27 years, Occ. Business, R/o.H.No.4-2-57,
Hataigalli, Nizamabad.

...PETITIONER/ACCUSED

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court, Hyderabad.
2. Tahsildar and Executive Magistrate (South),, Nizamabad.
3. Shaik Arbaz, S/o.Shaik Sadullah Aged 20, years, Occ. Auto Rikshaw Driver,
R/o.Malapally, Nizamabad- 503001

...RESPONDENTS/COMPLAINANTS

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 quash in FIR No.163/2023, dt.20.10.2023 on the file of P.S. Nizamabad-II, Nizamabad .

I.A. NO: 1 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 suspend the letter issued by the 2nd respondent in MC.No.A3/1908/2023, dt.30.10.2023 pending disposal of the Criminal Petition .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Vedula Srinivas , Senior Counsel representing Smt. VEDULA CHITRALEKHA ,Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent Nos. 2 & 3 .

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10984 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/accused seeking to quash the F.I.R.No.163 of 2023 dated 20.10.2023 on the file of the Nizamabad II police station, Nizamabad District, registered for the offence punishable under Section 384 of Indian Penal Code.
2. Heard Sri Vedual Srinivas, learned senior counsel representing Smt. Vedula Chitralekha, learned counsel on record for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The allegation against the petitioner is that he demanded an amount of Rs.40,000/- from the complainant and others for not informing the matter to the police. Pursuant to the said threat, he had taken an amount of Rs.10,000/- from them. Since the punishment prescribed for the offence alleged against the petitioner is up to seven years, this Court deems it appropriate to direct the Investigating Officer in F.I.R.No.163 of 2023 on the file of the Nizamabad II police station, Nizamabad District, to follow the procedure laid down 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. The petitioner shall co-operate with the Investigating Officer by furnishing information and documents as sought in concluding the investigation.

4. At this juncture, learned senior counsel appearing for the petitioner would submit that the parties in fact have settled their issues and an affidavit was also given by the de facto complainant stating that no such extortion has taken place as mentioned in the complaint.

5. Keeping in view the said circumstances, respondent No.2 is directed not to pass any orders for a period of four (4) weeks from today in M.C.No.A3/1908/2023.

6. Accordingly, the Criminal Petition is disposed off. Miscellaneous applications pending, if any, shall stand closed.

Sd/- MODH. ISMAIL

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Executive Magistrate – cum- Tahsildar, Nizamabad
2. The Station House Officer , Nizamabad II Town Police Station, Nizamabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Smt. VEDULA CHITRALEKHA, Advocate [OPUC]
5. Two CD Copies

¹ (2014) 8 SCC 273

HIGH COURT
DATED:08/11/2023

ORDER

CRLP.No.10984 of 2023



DISPOSING OF THE CRL.PETITION.

8
17/11/23
HW