

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

**FRIDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11141 OF 2023

Between:

1. Shaik Arif, S/o. Late Shaik Khajamiya, AGE. 40 Yrs, OCC. Business, Address. 12-1-1097, North Lalaguda, Near Masjid, Secunderabad, Hyderabad District.

...ACCUSED NO.5

2. Shaik Fareed, S/o. Late Shaik Khajamiya, AGE. 45 Yrs, Occ. Private Employee, Address. 12-1-1097, North Lalaguda, Near Masjid, Secunderabad, Hyderabad District.

...ACCUSED NO.6

3. Shaik Awaiz, S/o. Late Shaik Khajamiya, AGE. 37 Yrs, Occ. Business, Address. 12-1-1097, North Lalaguda, Near Masjid, Secunderabad, Hyderabad District.

...ACCUSED NO.7

AND

1. The State Of Telangana, Rep. by its Public Prosecutor, High Court Of Judicature At Hyderabad.
2. Saleem Mohd, S/o. Late Mohd Yaqub, Age 47 Years, Occupation Business, R/O H.No 1-352 HB Colony Area/Mandal Medchal District Medchal Malkajgiri State Telangana.

...RESPONDENTS/DEFACTO-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 quash the proceedings against the petitioner in proceedings in FIR No.175/2023 U/S 120b, 362, 363, r/w 34 IPC, 156 (3) CrPC PS MANOHARABAD (On The File Of The Of The Hon'ble Prl., Judicial First Class Magistrate At Medak) The Petitioner respectfully submit that he is arrayed as the Accused No.5,6,7 by the investigating officer.

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 grant Stay of all further proceedings in proceedings against the petitioner in FIR No.175/2023 U/S 120b, 362, 363, r/w 34 IPC, 156 (3) Cr.P.C PS MANOHARABAD (On The File Of The Of The Hon'ble Prl., Judicial First Class Magistrate At Medak) The Petitioner respectfully submit that petitioner arrayed Accused No.5,6,7 as the pending disposal of the above Criminal petition.

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 dispense with filing of Certified Copy of the FIR No.175/2023 PS MANOHARABAD (On The File Of The Of The Hon'ble Prl., Judicial First Class Magistrate At Medak) in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MD FASIUDDIN, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1, and None appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11141 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioners/Accused Nos.5, 6 and 7 seeking to quash the proceedings against them in F.I.R.No.175 of 2023 on the file of the Manoharabad Police Station, Medak District, registered for the offences punishable under Sections 120b, 362, 363 r/w 34 of Indian Penal Code.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. On perusal of the record, since the punishment prescribed for the offences alleged against the petitioners is up to seven years, this Court deems it appropriate to direct the Investigating Officer in F.I.R.No.175 of 2023 on the file of the Manoharabad Police Station, Medak 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. No coercive steps shall be taken against these

¹ (2014) 8 SCC 273

petitioners without following the due process prescribed under law and conclude the investigation. The petitioners shall co-operate with the Investigating Officer by furnishing information and documents as sought in concluding the investigation.

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

**SD/- B. CHANDRA PRAKASH
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Judicial First Class Magistrate at Medak.
2. The Station House Officer, Mansoorabad Police Station, Medak District.
3. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT].
4. One CC to SRI. MD FASIUDDIN, Advocate [OPUC].
5. Two CD Copies.

JVR 

HIGH COURT

KS, J

DATED: 10/11/2023



ORDER

CRLP.No.11141 of 2023

CRIMINAL PETITION IS DISPOSED OFF

⑧ VLV
22/1/24