

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

**SATURDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11397 OF 2023

Between:

1. Mohammed Ayub Khan, S/o Late Md. Khaja Khan, 55 Yrs, Occ Business, R/o H.No. 8-1-351/B/3, Flat NO. 5, 2nd Floor Nuha Apartments lane NO 1 Rahul Colony, Tolochowki Golkonda Hyderabad
2. Shaik Rasheed, S/o Shaik Chand, 51 yrs, Occ Business, R/o H.No. 4-1-39 Rajampet Sangareddy Mandal and District.

...PETITIONERS/ACCUSED no. 1 & 2

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad
2. Smt Nayakawadi Archana, W/o Yadagiri, 34 Yrs, Occ House wife, R/o H.No. 2-7/1, kandi Village and Mandal Sanga Reddy

...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 quash the FIR registered against the Petitioner/Accused 1 and 2 in Cr.No. 805/2023 dt 02-11-2023 by the SHO Patancheru PS Sanga reddy District for the Offence U/s 447,427,342,504,506 R/w 34 of IPC.

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 all further proceedings including arrest of the petitioner /accused No.s 1 and 2 in Cr.No. 805/2023 dt 02-11-2023 by the SHO Patancheru PS., Sangareddy District pending disposal of the quash proceedings.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PALLE SRIHARINATH, Advocate for the Petitioner and the Public Prosecutor 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.11397 OF 2023

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioners/A1 and A2 to quash the proceedings against them in Crime No.805 of 2023 of Patancheru Police Station, Sangareddy District, registered for the offences under Sections 447, 427, 342, 504 and 506 r/w 34 of IPC.

2. Heard. Perused the record.
3. Learned counsel for the petitioners would submit that a false complaint has been filed implicating all the petitioners.
4. A perusal of the subject complaint discloses that civil disputes are pending between the parties. Since the punishment prescribed for the offences alleged against the petitioners/A1 and A2 are up to seven years, this Court deems it appropriate to dispose of the criminal petition with a direction to the investigating officer in Crime No.805 of 2023 of Patancheru Police Station, Sangareddy District, to follow the procedure laid down under Section 41A Cr.P.C., and also the guidelines formulated by the Hon'ble Supreme Court in **Arnesh**

Kumar v. State of Bihar¹ scrupulously and conclude investigation. However, the petitioners/A1 and A2 shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

5. With the above direction, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

SD/- MOHD. ISMAIL,
ASSISTANT REGISTRAR.

//TRUE COPY//



SECTION OFFICER

To,

1. The Judicial First Class Magistrate, (Excise and Prohibitions) at Sangareddy
2. The Station House Officer, Patancheru Police Station, Sangareddy
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. PALLE SRIHARINATH, Advocate [OPUC]
5. Two CD Copies

ADK 

¹ (2014) 8 SCC 273

HIGH COURT

DATED:18/11/2023

ORDER

CRLP.No.11397 of 2023



DISPOSING OF THE CRLP

⑧
MA
20/11/23