

**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 SMT JUSTICE T.MADHAVI DEVI**

CRIMINAL PETITION NO: 11570 OF 2023

BETWEEN:

T.V.R.Damodar Swamy, S/o. Rama Krishna Swamy, Aged 58 years, Occ. AO, ITDA, Eturunagaram, R/o. ITDA Quarter No.A2, Block-B, Eturunagaram, Mulugu District, Telangana.

...PETITIONER/A-2

AND

1. The State of Telangana, represented by the Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Respondent/ Respondent

2. Sravanthi Thakalla, W/o. Eddulapuri Kiran, Aged. 30 years, Occ. Jr Assistant in ITDA Eturunagaram, R/o. Excise Colony, Hanamkoda and also at ITDA Qtr No.B1, Block-B, Eturunagaram, Mulugu District-506165.

...RESPONDENT/ 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 FIR No.119/2023 dated 16.10.2023, U/s 294-B, 509, 506 r/w 34 IPC in the file of the Police Station, Eturunagaram, Mulugu District.

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 interim stay of all further proceedings including arrest of the Petitioner/ Accused No-2, pursuant to the FIR No.119/2023 dated 16.10.2023, U/s 294-B, 509, 506 r/w 34 IPC on the file of the Police Station, Eturunagaram, Mulugu District, pending disposal of 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 S. LAKSHMI KANTH, Advocate for the Petitioner and the Asst. Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2.y

The Court made the following ORDER:

THE HON'BLE SMT. JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION No.11570 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (for short 'Cr.P.C.') by the petitioner/accused No.2 to quash the proceedings against him in FIR No.119 of 2023 on the file of the Station House Officer, Eturnagaram Police Station, Mulugu District, registered for the offences under Sections 294-B, 509, 506 read with Section 34 of the Indian Penal Code (for short 'IPC').

2. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor for respondent No.1.

3. Without going into the merits of the case, since the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years, this Court deems it appropriate to direct the petitioner/accused No.2 to appear before the investigating officer on or

before 04.12.2023 between 02:00 p.m. and 04:00 p.m. and in turn the Investigating Officer is directed 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. However, the petitioner/accused No.2 shall co-operate with the Investigating Officer as and when required by furnishing information and documents as sought by him in concluding the investigation. The petitioner/accused No.2 shall file all the documents which he ought to file to prove that it do not come under the criminal offences and the Investigation Officer shall consider the same before filing appropriate report before the Magistrate.

4. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, Pending if any, shall stand closed.

SD/- V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Mulugu, Mulugu District.
2. The Station House Officer, Eturnagaram Police Station, Mulugu District.
3. Two CC's to The Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. S. LAKSHMI KANTH, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

TMDJ

DATED: 22/11/2023

ORDER

CRL. PETITION No.11570 of 2023



**DISPOSING OF
THE CRIMINAL PETITION**

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30/12/23