

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE Smt. JUSTICE T.MADHAVI DEVI

Criminal Petition No.11971 of 2023

Between:

1. Mohammed Zakeer Uddin, S/o.late Mohammed Azeem Uddin , Aged 40 years, Occ Business, R/o. H. No. 18-2-650/A, Jangammet, Charminar, Hyderabad.
2. Mohammed Abdullah, S/o.Mohammed Rasool, Aged 30 years, Occ Business, R/o. H. No. 19-3-294/65/C,Vattepally, Falaknuma, Hyderabad .
...Petitioners/Accused Nos.2 & 3.

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, Hyderabad.
...State/Respondent.
2. Mir Mahmood Ali, S/o Mir Ahmed Ali, Aged not known to the petitioner, Occ Business R/o. 11-2-522, Habeebnager, Nampally, Hyderabad.
...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 proceedings in Cr.No.02/2023, on the file of the VIIth Addl. Chief Metropolitan Magistrate, Hyderabad, for the offences under Sections 420, 467, 506 R/W 34 IPC in which the Petitioners are arrayed as Accused No. 2 and 3.

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/appearance of the petitioners/A2 and A3 in pursuance of Cr.No.92/2023, on the file of the VIIth Addl. Chief Metropolitan Magistrate Hyderabad, pending disposal of the main CrI.P.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohd Riyaz Pasha, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or through his counsel.

The Court made the following: **ORDER**

THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION No.11971 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners, who are arrayed as Accused Nos.2 and 3, to quash the proceedings against them in F.I.R.No.92 of 2023 on the file of the I.S.Sadan Police Station, Hyderabad for the alleged offences punishable under Sections 420, 467 and 506 read with Section 34 of I.P.C and Section 156(3) of Cr.P.C.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for respondent No.1 – State.

3. Without going into the merits of the case, since the punishment prescribed for the offences alleged against the petitioners is less than seven (07) years, this Court deems it appropriate to direct the petitioners/accused Nos.2 and 3 to appear before the Investigating Officer on or before 20.12.2023 between 02:00 p.m. and 04:00 p.m. and inturn 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 petitioners/accused Nos.2 and 3 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 petitioners/accused Nos.2 and 3 shall file all the documents which they ought to file to prove that it do not come under the criminal offences and the Investigating Officer shall consider the same before filing appropriate report before the Magistrate.

4. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall also stand closed.

//TRUE COPY//

SD/-G. SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

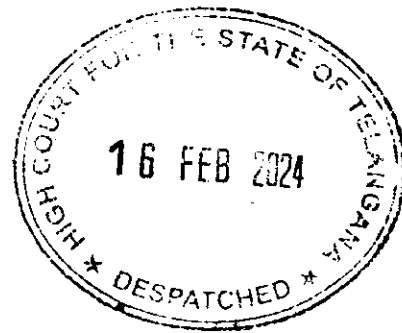
1. The VIIIth Addl. Chief Metropolitan Magistrate Hyderabad.
2. The Station House Officer, I.S. Sadan Police Station, Hyderabad.
3. One CC to Sri Mohd Riyaz Pasha, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court Buildings, Hyderabad. [OPUC]
5. Two CD Copies

JCK
MY

V. J.

HIGH COURT

DATED:06/12/2023



ORDER

CRLP.No.11971 of 2023

DISPOSING OF THE CRIMINAL PETITION.

⑧ NW
7/2/24