

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

**WEDNESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 506 OF 2023

Between:

1. Mohammed Ghouse, S/o. Mohammed Yousuf, Aged about 28 years, Occ-Business, R/o.H.No. 18-12-419/C/373, Hafeez Baba Nagar, Chandrayangutta, Hyderabad.
2. Mohammed Farooq Ali, S/o. Mohammed Fazal, Aged about 42 years, Occ-Business, R/o.H.No. 18-12-419/A/167, Hafeez Baba Nagar, Chandrayangutta, Hyderabad.

...PETITIONERS/ ACCUSED NO.1 & 2

AND

1. The State of Telangana, Through S.H.O., Chandrayangutta Police Station, Hyderabad, Rep. by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad.

...RESPONDENT

2. Parveen Sultana, W/o. Late Mohammed Naseer, aged about 50 years, Occ-Housewife, R/o. H.No. 18-2-35/73, Ghazi-e-Millat Colony, Falaknuma, 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 pass an order Quashing the FIR No.516 of 2022 registered in the Chandrayangutta Police Station, Hyderabad, for offences Under Section 380, 420, 406, 447, 427, 506, 509 and Section 34 of IPC and be pleased to pass such further or others orders.

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 pass an order Stay restrain respondent No. 1 Police of

Chandrayangutta Police Station, Hyderabad, from summarily arresting the petitioners in connection with FIR No. 516 of 2022 without following the due process of law contemplated Under Section 41-A Cr.P.C., pending disposal of the above quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAKESH SANGHI, 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.506 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-Accused Nos.1 and 2 to quash the proceedings against them in FIR No.516 of 2022 pending on the file of Station House Officer, Chandrayanagutta Police Station, Hyderabad. The offences alleged against them are under Sections 380, 420, 406, 447, 427, 506 and 509 read with Section 34 of Indian Penal Code (for short "IPC") and Section 156(3) of Cr.P.C.

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

3. On perusal of the record, since the punishment prescribed for the offences alleged against the petitioners are up to seven years, this Court deems it appropriate to direct the Investigating Officer in FIR No.516 of 2022 pending on the file of Station House Officer, Chandrayanagutta Police Station, Hyderabad, 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 ***Armesh Kumar v. State of Bihar***¹ scrupulously. The petitioners shall co-operate with the Investigating Officer in concluding the investigation.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chief Metropolitan Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Chandrayangutta P.S., Hyderabad.
3. One CC to SRI. RAKESH SANGHI, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

K.AR

BSR

¹ (2014) 8 SCC 273

HIGH COURT

DATED:18/01/2023



ORDER

CRL.P.No.506 of 2023

**DISPOSING OF THE
CRIMINAL PETITION**

8
04/02/23
BSR