

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

**FRIDAY ,THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 12329 OF 2023

Between:

Syed Shams Uddin@Noor, S/o Late Syed Ziauddin Occ. Care taker of Bibi Ka Chashma, R/o 19-3-305 Falaknuma, Hyderabad, TS.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court of Judicature At Hyderabad.
2. Sri. Syed Ghouse Uddin, S/o Syed Ziauddin, age. 26 yrs, Occ. AC Technician, R/o Bibi Ka Chasma, Falakni Hyderabad.

...RESPONDENTS/COMPLAINANTS

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 petitioners in FIR No. 338/2023 P.S. Falaknuma In the Court of the XVI Addl Chief Metropolitan Magistrate at Hyderabad.

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 petitioners in FIR No. 338/2023 U/s 324 r/w 34 IPC and 379 IPC P.S. Falaknuma In the Court of the XVI Addl Chief Metropolitan Magistrate at Hyderabad, as the petitioner pending disposal of the above Criminal Petition.

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 on behalf of the Respondent No.1 and of Respondent No.2 is not appears in personal or by Advocate.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 12329 of 2023

ORDER:

1. This Criminal Petition is filed under Section 482 of Cr.P.C. by petitioner/Accused to quash the proceedings in Crime No.338 of 20263 on the file of the Falaknuma Police Station. The offences alleged against the petitioner are punishable under Sections 324, 379 read with 34 of Indian Penal Code.

2. Heard learned counsel for the petitioner 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 this petitioner is less than seven years, this Court deems it appropriate to direct the Investigating Officer in Crime No.338 of 20263 on the file of the Falaknuma Police Station, 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 shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

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

SD/- N.CHANDRA SSEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVI Addl Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, Falaknuma Police Station, Hyderabad.
3. One CC to Sri Md. Fasiuddin, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

BJLB

NS

[Signature]

¹ (2014) 8 SCC 273

HIGH COURT

DATED:15/12/2023

ORDER

CRLP.No.12329 of 2023



CRIMINAL PETITION IS DISPOSED OF

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