

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

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

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 12938 OF 2023

Between:

1. Ekkurthy Srikanth, S/o. Ekkurthy Bhaskar Age 32 years, Occ. Advocate R/o. 2-3-119/1, Shanti Nagar, Uppal Hyderabad.
2. Ekkurthy Bhaskar, S/o. Kumaraiah Age 65 years, Occ. Retd. employee R/o. Singarajupally Village, Devaruppala Mandal Warangal District.

...PETITIONERS/ACCUSED NO.1 &2

AND

1. The State of Telangana, Through PS Devaruppala Rep by Public Prosecutor High Court for the State of Telangana, Hyderabad.
2. Rapaka Srishelam, S/o. Somaiah Age 45 years, Occ. Farmer R/o. Singarajupally Village, Devaruppala Mandal Jangoan District.

...RESPONDENTS/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 proceedings in Crime no. 194 of 2023 of PS Devaruppala against the Petitioners/ Accused No.1 and 2.

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 Crime no. 194 of 2023 of PS Devaruppala against the Petitioners/ Accused No.1 and 2 pending adjudication of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N N SOMENDRA REDDY, Advocate for the Petitioner and the Assistant 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 SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION NO.12938 OF 2023

ORDER

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (for short 'Cr.P.C.') by the petitioners/accused 1 and 2 to quash the proceedings against them as alleged in Crime No.194 of 2023 on the file of the Police Station Devaruppala registered for the offences under Sections 447 and 379 of the Indian Penal Code (for short 'IPC').

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

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 to appear before the Investigation Officer on or before 18.01.2024 between 02:00 P.M. and 04:00 P.M. and in turn, the Investigation Officer is directed 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 Vs. State of Bihar**¹ scrupulously. No coercive steps shall be taken against the petitioners/accused till the investigation is completed.

4. However, the petitioners/accused shall cooperate with the Investigation Officer as and when required and furnish information and documents as sought for by the Investigation Officer in concluding the investigation. The petitioners/accused shall file all the relevant documents which they intend to file to prove that the case alleged against them does not come under the criminal offences registered and the Investigation Officer shall consider the same before filing appropriate report before the Magistrate concerned.

5. Accordingly, this Criminal Petition is disposed of.

6. Pending miscellaneous petitions, if any, in this Criminal Petition shall stand closed.

1 (2014) 8 SCC 273

SD/- MOHD. ISMAIL,
ASSISTANT REGISTRAR.

//TRUE COPY//

SECTION OFFICER

To,

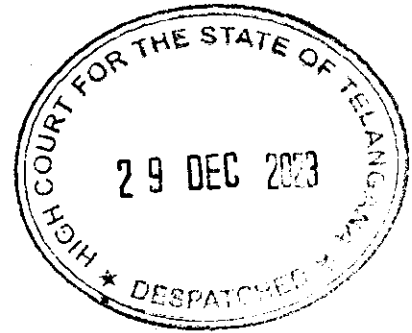
1. The Additional Judicial First Class Magistrate at Jangaon
2. The Station House Officer, Devarupula Police Station, Warangal
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. N N SOMENDRA REDDY, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED:29/12/2023

ORDER

CRLP.No.12938 of 2023



DISPOSING OF THE CRLP

8
HMA
29/12/2023