

**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 SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 13634 OF 2015

Between:

R.Nemichand Katri, S/o. Ridmaljikatri, aged about 55 years, Occ: Business,
R/o.H.No.6-2-457/58/2, Risala Abdullah, Hyderabad, Telangana State.

...Petitioner/Accused

AND

1. The State of Telangana, through Station House Officer, Afzalgunj P.S., Hyderabad rep.by Public Prosecutor, High Court of Judicature at Hyderabad.
2. Sri Ashok Jain, S/o Sri Bhawarlal Jain, aged about 35 years, Occ: Business, R/o. H.No.5-2-851/A, Risala Abdullah, Hyderabad.

...Respondents/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 call for the records in connection with the Crime in FIR.No.447 of 2015 on the file of the Police Station, Afzalgunj, Hyderabad and to quash the proceedings thereon.

I.A. NO: 2 OF 2016(CRLPMP. NO: 19124 OF 2016)

Between:

The State of Telangana, through Station House Officer, Afzalgunj P.S., Hyderabad rep.by Public Prosecutor, High Court of Judicature at Hyderabad.

...Petitioner/Respondent

AND

1. R.Nemichand Katri, S/o. Ridmaljikatri, aged about 55 years, Occ: Business, R/o.H.No.6-2-457/58/2, Risala Abdullah, Hyderabad, Telangana State.

...Respondent/Accused

2. Sri Ashok Jain, S/o Sri Bhawarlal Jain, aged about 35 years, Occ: Business, R/o. H.No.5-2-851/A, Risala Abdullah, Hyderabad.

...Complainant/ Respondent

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 vacate the interim stay granted in Crl.P.MP.No.13582 of 2015 in Crl.P.No.13634 of 2015 on the file of High Court of Judicature at Hyderabad.

I.A. NO: 2 OF 2015(CRLPMP. NO: 13582 OF 2015)

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 including the appearance of the petitioner in connection with the Crime in FIR.No.447 of 2015 on the file of the Police Station, Afzalgunj, Hyderabad, pending disposal of the main criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. AVINASH KARANKOTI, Advocate for the Petitioner and the Mr. VIZARATH ALI, Assistant Public Prosecutor on behalf of the Respondent No.1 and of Sri DAMODAR MUNDRA, Advocate for the Respondent No.2.

The Court made the following: ORDER

1

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL PETITION No.13634 OF 2015

ORDER:

The present Criminal Petition is filed seeking to quash the F.I.R.No.447 of 2015 on the file of the Station House Officer, Afzalgunj Police Station, Hyderabad registered against the petitioner for the offences punishable under Sections.295A, 298, 327, 426, 427, 447, 448, 504, 505 of I.P.C. r/w Section 156(3) of Cr.P.C.

2. Heard Mr. Avinash Karankoti, learned counsel for the petitioner appearing on-line and Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for respondent No.1 State.

3. The brief facts of the case are that respondent No.2 filed a complaint against the petitioner alleging that the petitioner was threatening respondent No.2 and other members of the locality, who were businessmen, in order to extort money for gaining unlawfully. When respondent No.2 and other members refused to offer money, the petitioner filed false, frivolous and vexatious cases against them and thereby put them to suffer mental agony and hardship. Further, the petitioner circulated false letters and made false allegations against respondent No.2, in the name of

his caste and religion thereby, created feelings of enmity and ill-will among different classes of people in the society. Basing on the said allegations, the present complaint was registered.

4. Learned counsel for the petitioner submitted that respondent No.2 falsely implicated him in the present crime as a counter blast to F.I.R.No.236 of 2013 which was registered on 26.04.2013 i.e., prior to the impugned F.I.R., wherein this petitioner was the complainant. Therefore, learned counsel submits that the impugned F.I.R. is registered with a malafide intention in order to harass the petitioner herein and the same if investigated into, would not withstand the scrutiny of law. Therefore, seeks to allow the Criminal Petition.

5. Learned Assistant Public Prosecutor submits that this Court vide order dated 21.12.2015 granted interim stay of all further proceedings in Crime No.447 of 2015 until further orders. In view of the interim stay granted by this Court, the investigation process had been stalled. Therefore, seeks to pass appropriate orders.

6. A perusal of record shows that the offences alleged against the petitioner are punishable with less than seven years of imprisonment. Since the punishment prescribed for the said

offences is less than seven years, without going into merits of the case, the respondent-Police are directed to conduct and conclude the investigation strictly following the procedure contemplated under Section 41-A of Cr.P.C. and the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ scrupulously. Needless to mention that, any deviation in this regard shall be viewed seriously.

7. With the above direction, the Criminal Petition is disposed of. The respondent-Police are directed to conduct and conclude the investigation as expeditiously as possible preferably within three (3) months from the date of receipt of a copy of the order. The petitioner is directed to co-operate with the investigation agency to arrive a logical conclusion. Needless to mention, the petitioner is at liberty to work out the remedies available under law.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- C.PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Afzalgunj Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to Mr. AVINASH KARANKOTI, Advocate [OPUC]
5. One CC to SRI DAMODAR MUNDRA, Advocate [OPUC]
6. Two CD Copies

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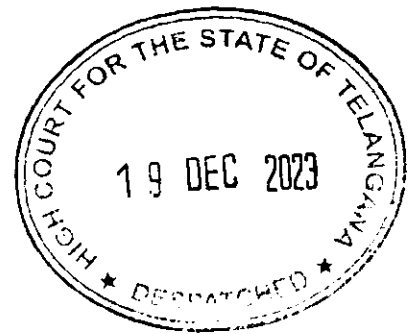
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HIGH COURT

DATED:22/11/2023

ORDER

CRLP.No.13634 of 2015



DISPOSING OF THE
CRIMINAL PETITION

(9) Copies

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18/12/23