

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

**FRIDAY, THE TWELFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 544 OF 2024

Between:

K.Venkata Rama Krishna Rao, S/o K.Chakradhara Rao, Aged about 48 years, Occ. Business, R/o Habsiguda, Medchal Malkajgiri District.

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, Rep by SHO, P.S Pocharam IT Corridor, Through Public Prosecutor, High Court of Telangana.
2. Smt Katari Vishnupriya, W/o K.Rohith Reddy, Aged Major, Occ. Business, R/o H.No 12-13-829/3, Secunderabad, Hyderabad.

...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 quash the proceedings in FIR No 420 of 2023 on the file of P.S Pocharam IT Corrdior.

I.A. NO: 2 OF 2024

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 interim stay of all further proceedings in FIR No 420/2023 on the file of P.S Pocharam IT Corrdior, including the arrest of the Petitioner, pending disposal of the Crl. P.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Thanneru Chaitanya Kumar, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1.

The Court made the following **ORDER**:

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION No.544 OF 2024

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner, who is arrayed as Accused No.2, to quash the proceedings against him in FIR.No.420 of 2023 on the file of Pocharam IT Corridor Police Station, Rachakonda for the alleged offences punishable under Sections 406 and 420 of IPC.

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

3. Learned counsel for the petitioner drawn the attention of this Court to the contents of the complaint and submitted that said case is the civil litigation and respondent No.2, who is *de facto* complainant, is trying to convert the civil case into criminal case. Learned counsel for the petitioner further submitted that in the case of accused No.1 in Crime No.420 of 2023 on the file

of Pocharam IT Corridor Police Station, Rachakonda, this Court had already directed the Investigating Officer 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 vs. State of Bihar**¹ scrupulously proceed in accordance with law. Therefore, he prayed to grant similar relief in respect of the petitioner herein who is arrayed as accused No.2 in the said crime.

4. In view of the above, without going into the merits of the case, since the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years, this Court deems it appropriate to direct the petitioner/accused No.2 to appear before the Investigating Officer on or before 30.01.2024 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** (*cited supra*) scrupulously and

¹ (2014) 8 SCC 273

look into the matter and to consider the explanation of the petitioner and take action in accordance with law. However, the petitioner/accused No.2 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 petitioner/accused No.2 shall file all the documents which he 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. Till the police investigate in the matter and take decision on the documents filed by the petitioner in response to 41-A notice, there shall not be any arrest and no coercive steps should be taken by the police against the petitioner.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending,

shall also stand closed.

SD/- P PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The V Addl. Metropolitan Magistrate-cum-1st Addl. Junior Civil Judge, Malkajgiri, Medchal Dist. Uppal at LB.Nagar.
2. The Station House Officer, Pocharam IT Corrdior Police Station, Rachakonda.
3. One CC to Sri Thanneru Chaitanya Kumar, Advocate [OPUC]

4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OPUC]
5. Two CD copies.

Cvk

KMS

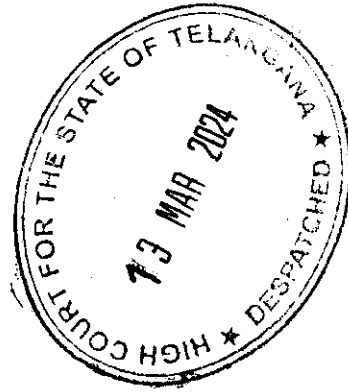
HIGH COURT

TMD, J

DATED: 12/01/2024

ORDER

CRLP.No.544 of 2024



CRL P IS DISPOSED OF

⑧ ms
20/2/24