IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No: 1350 of 2024

Between:

Abdul Hameed, S/o. Nayeebul Hasan, Age: 33 Years, Occ: Scrap Business, Resident of H.No.1-4-308/22/4, Bholakpur, Musheerabad, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court for the State of Telangana, Hyderabad.

...Respondent/Complainant

2. Krishna Rao Boddepally, S/o. Late. Durga Rao, Age: 43 years, Occ: Supervisor, R/o. H. No. B-26, IAE COLONY, Prakash Nagar, Begumpet, Secunderabad, Telangana.

...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 quash the Proceedings against the Petitioners/ Accused in Crime No. 31 of 2024 dated 11-01-2024 on the file of P.S. BALANAGAR, Cyberabad District for the offences U/s. 379 of I.P.C. in the interest of Justice.

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 stay all further proceedings against the Petitioners/ Accused in Crime No. 31 of 2024 dated 11-01-2024 on the file of P.S. BALANAGAR, Cyberabad District for the offences U/s. 379 of I.P.C. including arrest of petitioners in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri TANAJI PRADEEP KUMAR, 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 K. SUJANA

CRIMINAL PETITION No.1350 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. 1, to quash the proceedings against him in Crime No.31 of 2024 on the file of the Balanagar Police Station, Cyberabad District, registered for the offence punishable under Section 379 of the Indian Penal Code, 1860.

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

3. Without going into the merits of the case, since the punishment prescribed for the offence alleged against the petitioner is less than seven (07) years, this Court deems it appropriate to direct the petitioner/accused No. 1 to appear before the Investigating Officer on or before 12.02.2024 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***[1] scrupulously. However, the petitioner 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

[1] (2014) 8 SCC 273

petitioner/accused No. 1 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.

4. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

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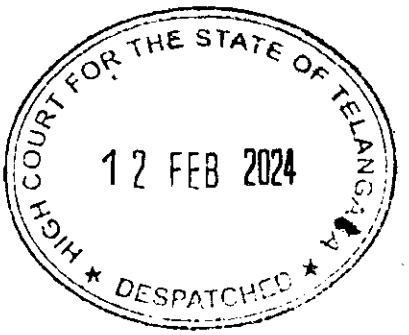
SECTION OFFICER

To,

1. The XIII Additional Metropolitan Magistrate, Prashanth Nagar, Kukatpally, Cyberabad.
2. The Station House Officer, Balanagar Police Station, Cyberabad District.
3. Two CCs to the Public Prosecution, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. TANAJI PRADEEP KUMAR, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT
DATED:06/02/2024



ORDER

CRLP.No.1350 of 2024

DISPOSING OF THE CRIMINAL PETITION

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