

[3385]

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

**MONDAY ,THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO: 4084 OF 2024

Between:

1. Bodasu Ramesh, S/o Pochaiah Age 29 years, Occ- Driver, R/o- Thangallapally Village and Mandal

...Petitioner No.1/Accused No.1

2. Boora Tirupathi, S/o. Anjaiah Aged 36 years, Occ- Agriculture, R/o- H.No. 1-86 Ragudu, Sircila town and Mandal, Rajanna Sircilla District

...Petitioner No.2/Accused No.2

AND

1. The State of Telangana, Through Public Prosecutor, High Court at Hyderabad, Hyderabad.
2. S. Mallesham, S/o. Not Known, Age 59 years, Occ- SI, PS Sircilla Town.

...Respondents

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 Crime No. 199/2024 on the file of PS Sircilla Town.

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 in Crime No. 199/2024 on the file of PS Sircilla Town including arrest of the petitioners.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V. Venkata Mayur, Advocate for the Petitioners and Sri S. Ganesh, 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.4084 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 petitioners, who are arrayed as accused Nos.1 and 2, to quash the proceedings against him in Crime No.199 of 2024 on the file of the Sircilla Town Police Station, Rajanna Sircilla District, for the offence punishable under Section 379 of the Indian Penal Code, 1860 and under Section 3 of PDPP Act.

2. Heard Sri V. Venkata Mayur, learned counsel for the petitioners and Sri S. Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State. Perused the record.

3. Without going into the merits of the case, since the punishment prescribed for the offence alleged against the petitioners is less than seven (07) years, this Court deems it appropriate to direct the petitioners/accused Nos.1 and 2 to appear before the Investigating Officer on or before 22.04.2024 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 petitioners 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 petitioners/accused Nos.1 and 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 concerned.

4. Accordingly, the Criminal Petition is disposed of.

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

//TRUE COPY//

Sd/- A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Judicial Magistrate of First Class at Sircilla, Rajanna Sircilla District.
2. The Station House Officer, Sircilla Town Police Station, Rajanna Sircilla District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri V. Venkata Mayur, Advocate [OPUC]
5. **Two CD Copies**

Njb

~~V. S.~~

HIGH COURT

DATED:15/04/2024

ORDER

CRLP.No.4084 of 2024



DISPOSING OF THE CRLP

⑧ VLW
18/4/24