

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

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

PRESENT

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No: 4330 of 2024

Between:

1. Kolipaka Bhumeswar, S/o.Rajeev, Age: 57 years, Occ. Labour ,R/o.Mallial (V) and (M) Jagtial (D)
2. Kolipaka Sharada, W/o.BHumeswar, Age: 50 years, Occ: Housewife, R/o. Mallial (V) and (M) Jagtial (D)
3. Kolipaka Vinay, S/o.Bhumeswar , Age: 28 years, Occ: Govt-Employee, R/o.Mallial (V) and (M), Jagtial (D)

...Petitioner/Accused No.2,3 &4

AND

1. The State of Telangana,, Through P.S.Mallial, Rep. by Public Prosecutor High Court, High Court Building, Hyderabad, TS.
2. XXXXXXXX, XXXXXXXX

...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 Cr No. 87 of 2024 on the file of P.S. Mallial, Jagtial District for the offences under sections 354-A, 354-D, 417, 376(2)(n), 506 and Sections 3(1)(r)(s), 3(2)(va)(w) of SC/ST(POA) Amendment Act-2015, 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 the proceedings against the petitioners/accused in Cr No. 87 of 2024 on the file of P.S. Mallial, Jagtial District for the offences under sections 354-A, 354-D, 417, 376(2)(n), 506 and Sections 3(1)(r)(s), 3(2)(va)(w) of SC/ST(POA) Amendment Act-2015 till present petition is decided by the Hon'ble High Court.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SHIVA KUMAR KONNE, Advocate for the Petitioners and the Sri S. GANESH, Assistant Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.4330 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 are arrayed as accused Nos. 2,3 and 4, to quash the proceedings against them in F.I.R. No.87 of 2024 on the file of the Mallial Police Station, Jagital District, for the offence punishable under Sections 354(A), 354(D), 417, 376(2)(n), 506 of the Indian Penal Code, 1860 and Sections 3(1)(r)(s) and 3(2)(va)(w) of SC/ST (POA) Amendment Act-2015

2. Heard Sri Shiva Kumar Konne, learned counsel for the petitioners and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State. Perused the record.

3. On perusal of complaint, it is clear that the ingredients of the offence under Section 376(2)(n) of IPC is not attracted against the accused Nos.2, 3 and 4.

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Therefore, it is a fit case to direct the police concerned to issue notice under Section 41-A Cr.P.C. to the accused Nos.2, 3 and 4.

4. Without going into the merits of the case, since the punishment prescribed for the offences alleged against the petitioners under Sections 354(A), 354(D), 417, 506 of the Indian Penal Code, 1860, Sections 3(1)(r)(s) and 3(2)(va)(w) of SC/ST (POA) Amendment Act-2015 is less than seven (07) years, this Court deems it appropriate to direct the petitioners to appear before the Investigating Officer on or before 29.04.2024 between 11:00 a.m. and 05:00 p.m. and in turn, 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 of India in **Arnesh Kumar v. State of Bihar**¹ scrupulously. However, the petitioners shall submit his defense and co-operate with the Investigating Officer as and when required by furnishing information and produce all

¹ (2014) 8 SCC 273

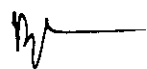
relevant documents/material required for the purpose of the investigation and the Investigating Officer shall consider the same before filing appropriate report before the learned Magistrate concerned.

5. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

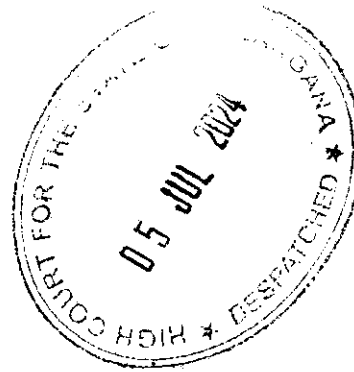
1. The Additional Judicial Magistrate First Class at Jagtial District.
2. The Station House Officer, Mallial Police Station, Jagtial District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI SHIVA KUMAR KONNE, Advocate [OPUC]
5. Two CD Copies

LSR/kam



**HIGH COURT
DATED:22/04/2024**

**ORDER
CRLP.No.4330 of 2024**



**DISPOSING OF THE
CRIMINAL PETITION**


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