

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

**FRIDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 6006 OF 2024

Between:

Mohammed Afsar, S/o Mohd Abdul Aziz, Aged about 54 years, Occ. Business.
R/o H.No 17-4-399/1 Matha ki khaidiki, Dabeerpur, Charmina, Hyderabad

...PETITIONER/ACCUSED No. 1

AND

1. The State of Telangana, Represented by Public Prosecutor High Court of
Judicature, Hyderabad.
2. Purinima.s.Shah, W/o Shashikanth Shah, Aged about 65 years Occ.
Household, R/o H.No 3-6-301/305, plot No 103 New Avanti Nagar Colony
Himayathnagar, Hyderabad.

...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 the proceedings against the Petitioners/ Accused No.1 in FIR.No. 130 of 2023 on the file of the Mailardevpally police station 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 including appearance of the Petitioner/Accused No.1 in FIR.No. 130 of 2023 on the file of the Mailardevpally police station pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Habeeb Abubakar Alhamed, Advocate for the Petitioner and the Sri S. Ganesh Assistant Public Prosecutor on behalf of the Respondent No. 1 and of None appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.6006 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 No.1, to quash the proceedings against him in FIR No.130 of 2023 on the file of the Mailardevpally Police Station, Cyberabad District, for the offence punishable under Sections 447, 427, 379 and 506-II, read with Section 34 of IPC.

2. Heard Sri Habeeb Abubakar Alhamed, learned counsel for the petitioner as well as Sri S.Ganesh, 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 to appear before the Investigating Officer on or before 18.06.2024 between 11:00 a.m. and 05:00 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

¹ (2014) 8 SCC 273

and documents as sought by him in concluding the investigation. The petitioner 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/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Metropolitan Magistrate Cyberabad at Rajendranagar.
2. The Station House Officer, Mailardevpally Police Station, Cyberabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri Habeeb Abubakar Alhamed, Advocate [OPUC]
5. Two CD Copies

DL

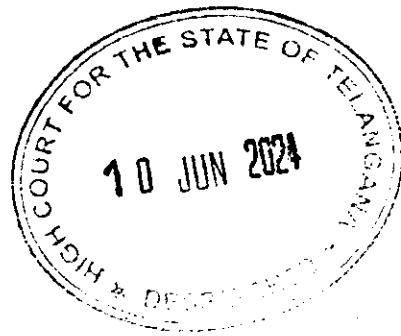


HIGH COURT

DATED:07/06/2024

ORDER

CRLP.No.6006 of 2024



CRIMINAL PETITION IS DISPOSED OF

8
HEP
07/06/2024