

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 4499 OF 2018

Between:

1. K.MOHAN LAL, Occ. Advocate, R/o.18-4-798, Jangamet, Faluknama, Hyderabad - 53.
2. K. Madhu, Occ. Business, R/o.18-4-798, Jangamet, Faluknama, 11, Hyderabad - 53.
3. K. Anand, R/o.18-4-798, Jangamet, Faluknama, Hyderabad - 53.
4. K. Mukhesh, R/o.18-4-798, Jangamet, Faluknama, Hyderabad - 53.
5. K. Rakesh, R/o.18-4-798, Jangamet, Faluknama, Hyderabad - 53.

.....PETITIONERS/ACCUSED no 1 to 5

AND

1. STATE OF TELANGANA, Through S.H.O., Falaknama Police Station,
Represented by its Public Prosecutor, High Court, Hyderabad

.....RESPONDENT/COMPLAINANT

2. K. Padma, R/o.18-4-798, Jangamet, Faluknama, Hyderabad - 53.

.....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 in FIR.NO.42 OF 2018, on the file of the PS, Falaknama, Hyderabad against the Petitioners/A-1 to A-5

I.A. NO: 1 OF 2018

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 the further proceeding in FIR No .42 OF 2018, on the file of the PS, Falaknama, Hyderabad against the petitioners/A-1 to A-5 including appearance of petitioners ,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 P VINOD KUMAR ,Advocate for the Petitioners and the Assistant Public Prosecutor on behalf of the Respondent No.1 and of Sri MD. SALEEM, Advocate for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E. V. VENUGOPAL**CRIMINAL PETITION No.4499 OF 2018****ORDER:**

The present Criminal Petition is filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') by the petitioners/accused Nos.1 to 5 seeking to quash proceedings against them in Crime No.42 of 2018 on the file of the Station House Officer, Falaknama Police Station, Hyderabad, registered for the offences punishable under Sections 448, 427, 323, 341 and 506 read with 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Sri P.Vinod Kumar, learned counsel for the petitioners as well as Sri E.Ganesh, learned Assistant Public Prosecutor appearing for respondent No.1-State and Sri MD.Saleem, learned counsel for respondent No.2. Perused the record.

3. Learned counsel for the petitioners *firstly* submitted that the parties herein are the parties in O.P.No.1853 of 2011 and the disputes between the parties are civil in nature. He *secondly* submitted that in respect of the disputed schedule

property, a partition suit before the learned Civil Court vide O.S.No.355 of 1996 is pending for final adjudication. He *lastly* submitted that there is no question of forgery as the said issue is decided in O.P.No.1853 of 2011 by the learned trial Court. Hence, he prayed the Court to allow the Criminal Petition.

4. Learned counsel for respondent No.2 submitted that the petitioners not only created a fabricated will deed dated 14.08.2008 with an ill-intent to grab her valuable share in the disputed schedule property, but also threatened her with dire consequences. Hence, he prayed the Court to dismiss the Criminal Petition.

5. Learned Assistant Public Prosecutor for respondent No.1-State submitted that a vacate stay petition was filed before the Court to permit the Police to conduct the investigation and this Court has allowed the same. He further submitted that the investigation has been commenced and as

such, seeks to dispose of this criminal petition in terms of guidelines framed in **Arnesh Kumar vs State of Bihar**¹.

6. Having regard to the submissions made by both the parties, this Court is of the considered opinion that the case is at the stage of investigation and as such, the petitioners got every chance to cooperate with the investigation to prove their case before the concerned Police. Hence, the respondent No.1-Police is directed to conduct and conclude the investigation within a period of three (03) months from the date of receipt of a copy of this order, strictly by following the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar's case** under Section 41-A Cr.P.C., (presently, 35(3) of the BNSS), any violation of the same shall be viewed seriously. It is needless to mention that the respondent No.1/Police would examine the material evidence before it and conduct the investigation as expeditiously as possible, preferably within three (03) months from the date of receipt of the copy of this order, as the subject matter is pending from the last six years and the petitioners are also directed to

¹ (2014) 8 SCC 273

cooperate with the investigation and submit all the material available with them including the material pertaining to civil Court proceedings.

7. With the above observations, this Criminal Petition is disposed of.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- N. SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XVI Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Falaknama, Police Station, Falaknama, Hyderabad
3. One CC to SRI P VINOD KUMAR Advocate [OPUC]
4. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to Sri MD. SALEEM, Advocate [OPUC]
6. Two CD Copies

Bj

HIGH COURT

DATED:24/09/2024

ORDER
CRLP.No.4499 of 2018



DISPOSING OF THE CRIMINAL PETITION

9
2/11/24
bvs