

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

**TUESDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 9866 OF 2024

Between:

I. Mohammed Mazhar Ahmed, S/o. Late Md.Jahangir Aged about 48 years, Occ.
Business, R/o. H. No. 19-2-29/A/55, Jahanuma, Boys town, I.T Road,
Hyderabad, **...PETITIONER/ACCUSED-4**

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad,
2. Sameer Ahmed khan, S/o late Manzoor Ahmed Khan, Aged about 43 years, Occ. Business, R/ H.No.19-2-35, Jahanuma lencer,Hyderabad

...RESPONDENTS/DEFACTO COMPLAINANT

Petition under Section 528 of BNSS Act 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 Petitioner/Accused 4 in Crime. No. 105 of 2024 On the File of Police Station Shalibanda Hyderabad was registered for the offences under Sec. 406,420,424,425,464,465,468,471 r/w 34 of IPC.

I.A. NO: 2 OF 2024

Petition under Section 528 of BNSS Act 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 the appearance of the Petitioner/Accused- 4 in Crime. No. 105 of 2024 On the File Of Police Station Shalibanda Hyderabad was registered for the offences under Sec. 406,420,424,425,464,465,468,471 r/w 34 of IPC.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M. A. Mujeeb, Advocate for the Petitioner and the Sri E. 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.9866 of 2024

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused No.4 seeking to quash the proceedings against him in Crime No.105 of 2024 on the file of the Shalibanda Police Station, Hyderabad, registered for the alleged offences punishable under Sections 406, 420, 424, 425, 464, 465, 468 and 471 read with 34 of the Indian Penal Code, 1860.

2. Heard Sri M.A.Mujeeb, learned counsel for the petitioner and Sri E.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 offences 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 10.09.2024 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. (presently, Section 35(3) of the BNSS) and also the guidelines

formulated by the Hon'ble Supreme Court of India in **Arnesh Kumar v. State of Bihar**¹ scrupulously. However, the petitioner/accused No.4 shall submit his defense and co-operate with the Investigating Officer as and when required by furnishing information and produce all 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.

4. Accordingly, the Criminal Petition is disposed of.

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

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

//TRUE COPY//

JDR
SECTION OFFICER

To,

1. The XVI Additional Chief Metropolitan Magistrate, At Nampally, Hyderabad.
2. The Station House Officer, Shalibanda Police Station, Hyderabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri M. A. Mujeeb, Advocate [OPUC]
5. Two CD Copies

DL/plp

CHR

¹ (2014) 8 SCC 273

HIGH COURT

DATED:27/08/2024

ORDER

CRLP.No.9866 of 2024



CRIMINAL PETITION IS DISPOSED OF

⑧CHR
19/10/24