

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

FRIDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 10719 OF 2024

Between:

1. M/s. SSAARGORAP Constructions and Estates (P) Ltd, having its office at Plot No.14, Senior Valley, Film Nagar, Jubilee Hills, Hyderabad - 500 0033, rep. by its Managing Director, Mrs. P.Shailaja W/o P.Ram Gopal Rao.
2. P. Ramgopal Rao, S/o P. Narasinga Rao, Aged about 65 Yews. Occu. Business, R/o Plot No_33, Senior Valley, Film Nagar, Jubilee Hills, Hyderabad.
3. Smt. P. Shailaja, W/o P. Ramgopal Rao, Aged about 56 years, Occu. Business, R/o Plot No.33, Senior Valley, Film Nagar, Jubilee Hills, Hyderabad.
4. Smt. D. Nagamani, D/o. Late Sri. D. Laxmaiah, Aged about 44 years, Occ. Household, R/o. 2-118, Nanakramguda, Serilingampally, R. R. District.

...Petitioner/Accused Nos.1 to 3 & 6

AND

1. The State of Telangana, Through Economic Offence Wing, Cyberabad, Cyberabad Commissionerate of Police, Cyberabad Rep. by its Public Prosecutor, High Court of Telangana.
2. Vijay Kumar Yerram, S/o Y.Shankaraiah, Aged about 50 years, Occ. Business, Managing Director, Vasavi GP Infra, R/o Village No. 32, Luxuraa Greens, New Bowenpally, Secuderabad 500 009.

...Respondent/Complainant

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to Crime No.23 of 2024, dated 09.07.2024 on the file of the EOW (Cyberabad) and quash the same so far as against the Petitioners / Accused No.1 to 3 and 6.

I.A. NO: 2 OF 2024

Petition under Section 528 of BNSS 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 arrest of the petitioner in the above Crime No.23 of 2024, dated 09.07.2024 on the file of the EOW (Cyberabad), 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 V.V.Ramana, Advocate for the Petitioners and Sri E.Ganesh, Additional Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10719 of 2024

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') by the petitioner/accused Nos.1 to 3 and 6 seeking to quash the proceedings against them in Crime No.23 of 2024 of EOW Police Station, Cyberabad, registered for the alleged offences punishable under Sections 385, 506 r/w 34 IPC.

2. Heard Sri V.V. Ramana, learned counsel for the petitioners and Sri E. Ganesh, learned Additional 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 petitioner Nos.3 and 4/accused Nos.3 and 6 is less than seven (07) years, this Court deems it appropriate to direct the petitioner Nos.3 and 4/accused Nos.3 and 6 to appear before the Investigating Officer on or before 23.09.2024 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 35 (3) of BNSS (previously section 41-A of Criminal Procedure Code) 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 Nos.3 and 4/accused Nos.3 and 6 shall submit their 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. Petition of A1 and A2 is dismissed as there are series of cases pending against them.

4. Accordingly, the Criminal Petition is disposed of.

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

Sd/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge Cum Metropolitan Magistrate, Ranga Reddy District at L.B Nagar.
2. The Station House Officer, EOW Cyb (Cyberabad) Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri V.V.Ramana, Advocate [OPUC]
5. Two CD Copies

Svs/gh 

¹ [2014] 8 SCC 273

HIGH COURT

DATED:13/09/2024

ORDER

CRLP.No.10719 of 2024



DISPOSING OF THE
CRLP

8/ Copies

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19/10/24