

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

**THURSDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 10768 OF 2024

Between:

Ravisetti Ravi Babu, S/o. Rayamallu, Aged 36 years, Occ. Business, R/o. Veenavanka Village and Mandal, Presently Residing at 3-7-191/1, Reddy Colony, Hanamkonda Town and District.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telanana, Through SHO, PS Luxettipet, Mancherla District Rep. by Public Prosecutor High Court at Hyderabad for the State of Telangana.
2. Embadi Chandraiah, S/o. Lingaiah, Aged 50 years, Occ. Agriculture, R/o. Kothakommugudem Village Luxettipet Mandal, Mancherla District.

...RESPONDENT/COMPLAINANT

Potition under Section 528 of B.N.S.S. 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 Crime no. 162 of 2024 on the file of SHO, PS Luxettipet, Mancherla District against the petitioner/ accused no. 1.

I.A. NO: 2 OF 2024

Petition under Section 528 of B.N.S.S. 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 in Crime no. 162 of 2024 on the file of SHO, PS Luxettipet, Mancherla District including the arrest of the petitioner/ accused no.1, 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 AJAY KUMAR MADISETTY, Advocate for the Petitioner and Sri D.Arun Kumar, the Additional Public Prosecutor (TG) on behalf of the Respondent No.1 and None appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.10768 OF 2024

ORDER:

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') to quash the proceedings against the petitioner in FIR No.162 of 2024 of Luxettipet Police Station, Mancherial District registered for the offence punishable under Section 420 r/w. 34 of Indian Penal Code (for short 'I.P.C').

2. Heard Sri M.Ajay Kumar, learned counsel for the petitioner and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the 1st respondent State.

3. However, 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 24.09.2024 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 35 (3) of BNSS (previously Section 41-A Cr.P.C.) and also the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v.**

State of Bihar¹ scrupulously. However, petitioner shall co-operate with the Investigating Officer as and when required by furnishing information 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 does 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 petitions, if any, pending shall stand closed.

Sd/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial First Class Magistrate –Cum- Junior Civil judge At Luxettipet.
2. The Station House Officer, Luxettipet Police Station, Mancherla District.
3. One CC to SRI AJAY KUMAR MADISETTY, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT].
5. Two CD Copies

PMG,
AR /gh

¹ (2014) 8 SCC 273

HIGH COURT

DATED:12/09/2024

ORDER

CRLP.No.10768 of 2024



⑧ PMA
21/10/24.

DISPOSING OF THE CRIMINAL PETITION.