

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

THURSDAY, THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 11956 OF 2024

Between:

Peruka Kumara Swamy, S/o. Durgaiah, Aged about 34 years, Occ: Business
R/o.H.No.1-80, Bairanpally, Dhoolmitta Mandal, Siddipet District

...Petitioner

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court, at Hyderabad.
2. Boddu Shekar, S/o. Late Bhumaiah, Aged about 33 years, Occ: Agriculture, H.No. 4-17/2, Karnamamidi village, Hajipur Mandal, Mancherla District, TG state

**...Respondents / Complainants /
De-facto 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 call for the records pertaining to FIR No. 593 of 2024 on the file of Police Station, filed under section 318(4) of BNS Act and to quash the same.

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 arrest of petitioner in FIR No. 593 of 2024 on the file of Police Station, Mancherla filed under section 318(4) of BNS Act pending disposal of Crl. Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri. Sanjeev Reddy Gillela, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1..

The Court made the following Order:-

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.11956 of 2024

ORDER:

This Criminal Petition is filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') by the petitioner/accused seeking to quash the proceedings against him in Crime No.593 of 2024 on the file of Mancherial Town Police Station, Ramagundam District, registered for the alleged offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Sri Sanjeev Reddy Gillella, learned counsel for the petitioner and Sri M.Vivekananda Reddy, 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 15.10.2024 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 the Bharatiya Nagarik Suraksha Sanhita (for short '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 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/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To.

1. The Station House Officer, Mancherla Town P.S., Ramagundam District.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT].
3. One CC to SRI Sanjeev Reddy Gillela, Advocate [OPUC]
4. **Two CD Copies.**

VC

¹ (2014) 8 SCC 273

HIGH COURT

DATED:03/10/2024



ORDER

CRLP.No.11956 of 2024

DISPOSING OF THE CRLP

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17/10/24