

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

**FRIDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 13358 OF 2024

Between:

1. Ch. Prasadu Rao @ Chaduvula Prasad(A-4), S/o.Chaduvula Venkata Suryam, Aged 53 years, Occ. Pvt. Employee, R/o.2-2-B4, Plot No.23, Suryodaya Colony, Bandlaguda Jagir, Balajinagar, Rajendra Nagar, Ranga Reddy District.
2. Ch. Aparna @ Chaduvula Aparna(A5), W/o. Chaduvula Prasad Aged 46 years, Occ. Housewife, R/o.2-2-B4, Plot No.23, Suryodaya Colony, Bandlaguda Jagir, Balajinagar, Rajendra Nagar, Ranga Reddy District.
3. Likitha @ Chaduvula Likitha (A6), D/o. Chaduvula Prasad, Aged 22 years, Occ. Student, R/o.2-2-B4, Plot No.23, Suryodaya Colony, Bandlaguda Jagir, Balajinagar, Rajendra Nagar, Ranga Reddy District.
4. Trinayan @ Chaduvula Trinayan (A8), S/o.Chaduvula Prasad, Aged 22 years, Occ. Student, R/o.2-2-B4, Plot No.23, Suryodaya Colony, Bandlaguda Jagir, Balajinagar, Rajendra Nagar, Ranga Reddy District.

...Petitioner/Accused No. 4,5,6 and 8

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court Buildings, High Court, Hyderabad, Through P.S. Jeedimetla, Cyberabad.

.....1st Respondent/Complainant

2. Smt.Guntuku Praveena, W/o.Chinna Raja, Aged 26 years, Occ. Housewife, H.No.234, Plot No.102, Near Venugopala Swamy Temple, Quthbullapur Village, Medchal Malkajiri District.

...2nd Respondent/De-facto 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 quash the proceedings against the Petitioners/Accused nos.4,5,6 and 8 in Crime No.975 of 2024 dated 14/10/2024 of P.S. Jeedimetla on the file of the VIII Additional Metropolitan Magistrate at Medchal, Cyberabad, Medchal District.

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 for all further proceedings including the appearance of the Petitioners/Accused nos.4,5,6 and 8 in Crime No.975 of 2024 dated 14/10/2024 of P.S. Jeedimetla on the file of the VIII Additional Metropolitan Magistrate at Medchal, Cyberabad, Medchal District, pending disposal of the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Nageshwar Rao Pujari, Advocate for the Petitioner and the Additional Public Prosecutor (TG) on behalf of the Respondent No. 1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL**CRIMINAL PETITION No.13358 OF 2024****ORDER:**

This Criminal Petition is filed seeking to quash the proceedings against the petitioners/accused Nos.4, 5, 6 and 8 in Crime No.975 of 2024 dated 14.10.2024 on the file of the Station House Officer, P.S. Jeedimetla for the offences under Sections 85 and 115(2) of Bharatiya Nyaya Sanhitha, 2023 (for short, "BNS").

2. Heard Mr. Nageswar Rao Punjari, learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1-State.

3. Learned counsel for the petitioners would submit that omnibus allegations are leveled against the petitioners and without there being any role attributed against the petitioners in the alleged offences, continuation of criminal proceedings is abuse of process of law. Therefore, he seeks to allow the Criminal Petition.

4. Learned Additional Public Prosecutor would submit that unless and until thorough investigation is conducted, the real

truth will not be elicited. Therefore, he seeks to dismiss this Criminal Petition.

5. Having regard to the submissions of both the learned counsel and upon considering the fact that the offences alleged against the petitioners are punishable with less than seven years of imprisonment, without going into merits of the case, this Court is inclined to direct the Investigating Officer to conduct the investigation, as expeditiously as possible, by strictly following the procedure as contemplated under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita (BNSS) (Previously Section 41-A of Cr.P.C.) and also the guidelines formulated by the Hon'ble Supreme Court of India in **Arnesh Kumar V. State of Bihar and another**¹ scrupulously. However, the petitioners 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. The Investigating Officer shall consider the same before filing appropriate report before the learned Magistrate concerned. Needless to mention, any deviation in this regard shall be viewed seriously.

6. Accordingly, this Criminal Petition is disposed of.

¹ (2014) 8 SCC 273

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

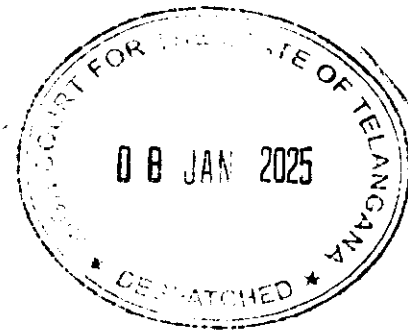
1. The VIII Additional Metropolitan Magistrate at Medchal, Cyberabad, Medchal District.
2. The Station House Officer, Jeedimetla police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Sri Nageshwar Rao Pujari, Advocate [OPUC]
5. Two CD Copies

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SR/gh

HIGH COURT

DATED:08/11/2024



ORDER

CRLP.No.13358 of 2024

DISPOSING OF THE CRIMINAL PETITION

8 Copies
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5/12/24