

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

**MONDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 14190 OF 2024

Between:

Murali Atkuri, S/o. Surya Prakash, Age 43 years, Occ. Ex-Manager of APGV Bank, f R/o. H.No.3-151-1, B-307, BRK Royal City, East Railway Station, Rajahmundry, Andhra Pradesh- 533101

...Petitioners / Accused

AND

1. The State of Telangana, through SHO, Aswapuram PS, Bhadradi Kothagudem District, Rep by its Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. A. Swamy, S/o. Chennaiah, Aged about Not known to the petitioner, Occ. Branch Manager, Andhra Pradesh Grameena Vikas Bank, Aswapuram, Bhadradi Kothagudem District

...Respondent / Defacto 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 petitioner / accused in FIR.No.136 of 2023 on the file of the Police, PS Aswapurm, Bhadradi Kothagudem 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 grant interim stay of all further proceedings including arrest of the petitioner/accused in Crime No.136 of 2023 on the file of the Police, PS Aswapurm, Bhadradi Kothagudem District, 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 Nayakawadi

Ramesh, Advocate for the Petitioner and Sri Veeramalla Jithender Rao, 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.14190 of 2024

ORDER:

This Criminal Petition is filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') to quash the proceedings against the petitioner in Crime No.136 of 2023 of Aswapuram Police Station, Bhadradi Kothagudem District, registered for the offences punishable under Sections 420, 409, 418 and 464 of the Indian Penal Code, 1860.

2. Heard Sri Nayakawadi Ramesh, learned counsel appearing on behalf of the petitioner as well as Sri Vccramalla Jithender Rao, learned Additional Public Prosecutor appearing on behalf of respondent No.1-State.

3. Learned counsel for the petitioner submitted that the petitioner does not know about the criminal case pending against the petitioner and further he is ready to co-operate with the investigation.

4. That being so, without going into the merits of the case, apparently, Section 409 of IPC does not applicable. Since the punishment prescribed for the remaining 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 03.12.2024 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. and also the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ scrupulously. However, the petitioners 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 do not come under the criminal offences and the Investigating Officer shall consider the same before filing appropriate report before the Magistrate.

5. Accordingly, the Criminal Petition is disposed of.

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

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Aswapuram PS, Bhadradi Kothagudem District
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
3. One CC to Sri Nayakawadi Ramesh, Advocate [OPUC]
4. Two CD Copies

HIGH COURT

DATED:25/11/2024

ORDER

CRLP.No.14190 of 2024



DISPOSING OF THE CRLP

2
Remo
W. J. 28/11/2024