

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 14703 OF 2024

Between:

Ramesh Gone, S/o. Rama Narsaiah, Aged about 43 years, Occ- Business,
R/o. 2-167, Sangam Village, Ramchandrapuram, Warangal Dist

...PETITIONER/ACCUSED NO.6

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Through Station House Officer, Karimnagar I- Town Police Station, KARIMNAGAR District.
2. Gunukula Raji Reddy, S/o. Laxminarashima Reddy, Aged about 66 Years, Occ- Retd.Forest Section Officer, H.No 3-7-747, Bank Colony, Karimnagar

...RESPONDENTS

Petition under Section 528 of BNSS (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 quash the FIR No.68 of 2024,dated. 02.02.2024 on the file of the Karimnagar I-Town Police Station, at Karimnagar District against Petitioner/Accused No. 6, for the alleged offence U/s. 420 of IPC read with Section 34 of IPC, Section 406 of IPC and Section 5 of the TSPDFEA, 1999.

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/Accused No. 6, in FIR No.68 of 2024,dated 02-02-2024, on the file of the Karimnagar I-Town Police Station at Karimnagar District, for the alleged offence U/s. 420 of IPC read with Section 34 of IPC, Section 406 of IPC and Section 5 of the TSPDFEA, 1999.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SAINI ARAVIND, Advocate for the Petitioner and the 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 HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14703 of 2024

ORDER:

This Criminal Petition is filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused No.6 seeking to quash the proceedings against him in Crime No.68 of 2024 on the file of Karimnagar I Town Police Station at Karimnagar District, registered for the alleged offences punishable under Sections 406, 420 read with 34 of IPC and Section 5 of TSPDFEA.

2. Heard Sri Aravind Saini, learned counsel for the petitioner and Sri Veeramalla Jithender Rao, learned Additional Public Prosecutor for respondent No.1 – State.

3. As seen from the record, the averments of the petition do not constitute offences under Section 5 of TSPDFEA against the petitioner herein. Hence, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer on or before 17.12.2024 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 35 (3) of the 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.

//TRUE COPY//

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Court of II Additional Judicial Magistrate of First Class, Karimnagar.
2. The Station House Officer, Karimnagar I –Town Police Station, Karimnagar.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT].
4. One CC to SRI SAINI ARAVIND Advocate [OPUC]
5. Two CD Copies

Pcsd/gh

¹ (2014) 8 SCC 273

HIGH COURT

DATED:03/12/2024

ORDER

CRLP.No.14703 of 2024



DISPOSING OF THE CRIMINAL PETITION

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[Signature]
29/1/2025