

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 7042 OF 2023

Between:

Kethiri Thirupathi, W/o. Sailu, aged 45 years, Occ. Govt Teacher R/o. Subash Colony, Bhupalpally Jayashankar Bhupalpally District

.....PETITIONER/ACCUSED NO 1

AND

1. The State of Telangana, Through SHO, PS Bhupalpally, Jayashankar Bhupalpally District Rep. By its Public Prosecutor High Court at Hyderabad for the State of Telangana

.....RESPONDENT/COMPLAINANT

2. Guniganti Nagaraju, S/o. Late Rajaiah Aged 27 years, occ. private employee, R/o. Subash Colony, Bhupalpally Jayashankar Bhupalpally District

.....RESPONDENT/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 QUASH the proceedings in FIR No. 313/2023 on the file of the SHO, PS Bhupalpally, Jayashankar Bhupalpally District against the petitioner/ accused no.2

I.A. NO: 1 OF 2023

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 of the proceedings in FIR No. 313/2023 on the file of the SHO, PS Bhupalpally, Jayashankar Bhupalpally District including the arrest of the petitioner/ accused no.1, pending disposal of main 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 the Assistant Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K SURENDER

Criminal Petition No.7042 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-accused No.1 to quash the proceedings against him in FIR No.313 of 2023 on the file of Station House Officer, Bhupalpally Police Station, Jayashankar-Bhupalpally District. The offences alleged against the petitioner are under Sections 420 and 406 of Indian Penal Code.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for respondent No.1 – State.
3. On perusal of the record, since the punishment prescribed for the offences alleged against the petitioner are up to seven years, this Court deems it appropriate to direct the Investigating Officer in FIR No.313 of 2023 on the file of Station House Officer, Bhupalpally Police Station, Jayashankar-Bhupalpally District, 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 Bihar¹ scrupulously. The petitioner shall co-operate with the Investigating Officer in concluding the investigation.

4. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- K. VENKAIAH
ASSISTANT REGISTRAR
GP
SECTION OFFICER

To,

1. The Station House Officer, Bhupalpally, Police Station Bhupalpally, Jayashanakr Bhupalpally District
2. One CC to SRI AJAY KUMAR MADISETTY Advocate [OPUC]
3. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

HIGH COURT
DATED:31/07/2023

ORDER
CRLP.No.7042 of 2023



DISPOSING OF THE CRIMINAL PETITION

(3) 0120
118/23