



2023:TSHC:2824

[3251]

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

**THURSDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 225 OF 2023

Between:

1. Pachva Pramod Kumar, S/o Ramana Pachva, Aged 35 Yrs Occ. Business, R/o Plot No. 115 A Munz Villa, Banjarahills, Hyderabad
2. Kore Nandu Kumar, S/o Kore Shankarappa Aged about 48 Yrs, Occ. Business R/o H. No. 2-32/3/A, Sai Nagar Chaitanyapuri, Hyderabad

...PETITIONER/ACCUSED

AND

1. State of Telangana, through Police Station Rajendernagar, R.R.District, Rep. by Public Prosecutor High Court of A.P.
2. Kallu Rama Krishna Reddy, S/o Late K. Papi Reddy. Aged 39 Yrs Occ. Business. R/o Flat No. 301 Plot No.11-A. Sairam Residency Khairatabad, Hyderabad

...RESPONDENTS/COMPLAINANTS

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 against the Petitioner herein in FIR No.1072/2022 dated 15-12-2022 registered with the Police Banjarahills, Hyderabad

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M V V BASWA RAJ, Advocate for the Petitioner and of the Assistant Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No.2

The Court made the following: ORDER

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.225 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 petitioners-Accused to quash the proceedings against him in FIR No.1072 of 2022 pending on the file of Banjarahills Police Station, Hyderabad. The offences alleged against him are under Sections 406 and 420 read with 34 of Indian Penal Code (for short 'IPC').

2. Heard both sides.
3. After arguing sometime, learned counsel for the petitioners confines his prayer to direct the police to follow the procedure prescribed under Section 41-A of Cr.P.C. for the reason of the offences alleged against the petitioners are punishable less than seven (07) years.
4. In view of the aforesaid submission of the learned counsel for the petitioners, this Criminal Petition is disposed of directing the Investigating Officer in respect of FIR No.1072 of 2022



pending on the file of Banjarahills Police Station, Hyderabad, to strictly follow the procedure laid down under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹. The petitioners shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous applications pending, if any, shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The III Addl. Chief Metropolitan Magistrate, Hyderabad
2. The SHO, Banjara Hills, P.S., Hyderabad District.
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI M.V.V BASWA RAJ Advocate [OPUC]
5. Two CD Copies

KKS

BSR

¹ (2014) 8 SCC 273



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HIGH COURT

DATED:19/01/2023



ORDER

CRLP.No.225 of 2023

DISPOSING THE CRLP

8
10/02/23
BSR