

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE FOURTH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE ✓

: PRESENT:

THE HON'BLE SRI JUSTICE K.LAKSHMAN ✓

CRIMINAL PETITION NO: 4158 OF 2021

Between:

M.A. Mokeem, S/o. Sri M.A.Shareef

Petitioner/Accused

AND

1. The State of Telangana, Through S.H.O., P.S., Madhapur rep. by its Public Prosecutor, High Court for The State of Telangana, High Court Buildings, Hyderabad, ✓
2. Sri. Chandra Siddartha, S/o Sri. Venkateshwarlu, Occ- Business, R/o H. No. 10-5-35, Masab Tank, Hyderabad

Respondent/Complainant

WHEREAS the Petitioner above named through his Advocate Sri T Sudhakar Reddy presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records in FIR No. 37 of 2021 on the file of the P.S. Madhapur, Cyberabad, Ranga Reddy District and quash the said FIR No. 37 of 2021; ✓

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri P. Venugopal learned Senior Counsel representing Sri T Sudhakar Reddy Advocate for the Petitioner, directed issue of notice to the Respondent No. 2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Sri. Chandra Siddartha, S/o Sri. Venkateshwarlu, Occ- Business, R/o H. No. 10-5-35, Masab Tank, Hyderabad ✓

are directed to show cause on or before 06.07.2021 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 1 OF 2021

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the grounds filed in support of the criminal petition, the High Court may be pleased to stay all further proceedings in FIR. No. 37 of 2021 of P.S. Madhapur, Cyberabad, Ranga Reddy District, dated 12-01-2021, pending disposal of CRLP No. 4158 of 2021, on the file of the High Court. ✓

The Court made the following

ORDER:

Issue notice to respondent No.2.

Personal notice is permitted.

List on 06.07.2021 along with W.P.No.3671 of 2021.

A perusal of the complaint, dated 11.01.2021, would reveal that there are disputes between the petitioner and the 2nd respondent with regard to the property in Survey Nos.68, 69 and 70 of Madhapur Village, Serilingmpally Mandal, Ranga

Reddy District. This Court, vide order, dated 23.02.2021, in W.P.No.3671 of 2021 filed by the petitioner/accused and another, directed the police officers not to interfere in the civil matters with regard to the above said property.

Sri P.Venugopal, learned senior counsel, would submit that the claim and title of the petitioner over the subject property was confirmed by the competent civil Court, High Court and Supreme Court. In proof of the same, he has filed copies of several documents.

Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation. The offences alleged against the petitioner are bailable offences.

Considering the said facts, the Investigating Officer in Crime No.37 of 2021 pending on the file of the Madhapur (Guttala) Police Station, Cyberabad Commissionerate, is directed to follow the procedure laid down under Section 41-A Cr.P.C. and the guidelines of the Hon'ble Apex Court in Arnesh Kumar v. State of Bihar and another ((2014) 8 SCC 273). The petitioner shall cooperate with the Investigating Officer by furnishing the information and the documents as sought by him in concluding the investigation. The Investigating Officer is further directed to consider the reply along with documents to be submitted by the petitioner to the notice issued under Section 41-A Cr.P.C.

//TRUE COPY//

Sd/-I NAGALAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XII Additional Metropolitan Magistrate, Cyberabad at Kukatpally
2. The Station House Officer, Madhapur (Guttala) Police Station, Cyberabad
3. Sri. Chandra Siddartha, S/o Sri. Venkateshwarlu, Occ- Business, R/o H. No. 10-5-35, Masab Tank, Hyderabad (by RPAD- along with a copy of petition and memorandum of grounds)
4. The Section Officer, Criminal Section, High Court, Hyderabad
5. One CC to Sri T Sudhakar Reddy Advocate [OPUC]
6. Two CC to Public Prosecutor, High Court, Hyderabad (OUT)
7. One spare copy

HIGH COURT

KLJ

DATED:04/06/2021

NOTE: POST ON 06.07.2021 ALONG WITH WP. NO. 3671 OF 2021

NOTICE BEFORE ADMISSION

CRLP.No.4158 of 2021

DIRECTION

