

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

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 1356 OF 2022

Between:

Kattam Raju Gouni, S/o. Chandraiah, Aged about 30 Years, Occ. Business, R/o. Kurmed Village, Chintapally Mandal, Nalgonda District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad Through Chintapally Police Station, Nalgonda District, Telangana
2. Ananthula Ramakrishna Goud, S/o. Janjaiah, Aged about 40, Occ. Business, R/o. Kurmed Village, Chintapally Mandal, Nalgonda District.

...RESPONDENT/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 crime registered vide impugned FIR No.10 of 2022 dated 27.01.2022 registered U/Sec. 448, 323, 504, 506 r/w. 34 of IPC on the file of P.S. Chintapally, Nalgonda District, Telangana.

I.A. NO: 2 OF 2022

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 grant stay of all further proceedings including stay of arrest in furtherance of the crime registered vide FIR No. 10 of 2022, dt. 27.01.2022 registered U/Sec. 448, 323, 504, 506 r/w. 34 of IPC on the file of P.S. Chintapally, Nalgonda District, Telangana, 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 R. Mangulal, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appeared either in person or by Advocate.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K. LAKSHMAN**CRIMINAL PETITION No.1356 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Crime No.10 of 2022 pending on the file of Chintapally Police Station, Nalgonda District. The offences alleged against the petitioner herein are under Sections 448, 323 and 506 r/w 34 I.P.C.

2. Heard Sri Mangulal, learned counsel for the petitioner, and learned Public Prosecutor. Perused the record.
3. The contents of the complaint would reveal that respondent No.2 is taking care of land to an extent of Ac.1.07 guntas situated at Kurmed Village, Chinthapally Mandal, belonging to Sri B. V. Ravikiran, who is said to have been the owner of the said land. Though the alleged incident took place on 25.01.2022, respondent No.2 lodged the complaint on 27.01.2022. Thus, there is delay of 48 hours in lodging the complaint.
4. There are several factual aspects to be investigated into by the Investigating Officer during the course of investigation.
5. There is a serious allegation against the petitioner that petitioner herein threatened respondent No.2 that he is the follower of Nayeem and he has removed 22 heads. Therefore, it is a matter to be investigated into by the Investigating Officer during the course of investigation. All the offences alleged against the petitioner herein are punishable offences and the punishment

prescribed for the offences levelled against the petitioner herein is below 7 years.

6. In view of the same, the Criminal Petition is disposed of directing the Investigating Officer in Crime No.10 of 2022 pending on the file of Chintapally Police Station, Nalgonda District, to strictly follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar and another**¹. The Investigating Officer is also directed not to arrest the petitioner herein till completion of investigation and filing of final report. The petitioner shall cooperate with the Investigating Officer by furnishing information and documents sought by him in completing investigation.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

//TRUE COPY//

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Judicial First Class Magistrate, Devarakonda, Nalgonda District.
2. The Station House Officer, Chintapalli Police Station, Nalgonda District.
3. One CC to Sri R. Mangulal, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy

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HIGH COURT

DATED: 11/02/2022

ORDER

CRL.P.No.1356 of 2022



DISPOSING OF THE CRIMINAL PETITION.

PRK
25/02
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