

(2022) 09 TEL CK 0018
In the Telangana High Court
Case No : Criminal Petition No. 8006 Of 2022

Goundla Shamamma And 4 Others

APPELLANT

Vs

State Of Telangana And Another

RESPONDENT

Date of Decision : 07-09-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41(1), 41A, 41A(4)

Citation : (2022) 09 TEL CK 0018

Hon'ble Judges : Dr. Chillakur Sumalatha, J

Bench : Single Bench

Advocate : Krishna Murthy Devarakonda

Final Decision : Disposed Of

Judgement

1. Heard the submission of Sri D.Krishna Murthy, learned counsel for the petitioners as well as the learned Assistant Public Prosecutor representing Respondent No.1-State.
2. In the light of the limited request made, issuance of notice to Respondent No.2 is felt not required.
3. Seeking the Court to quash the proceedings that are pending against the petitioners who are arrayed as Accused Nos.2 to 6 in Crime No.62 of 2022 of Raikode Police Station, the present Criminal Petition is filed.
4. Learned counsel for the petitioners submits that the petitioners who are arrayed as Accused Nos.2 to 6 have not committed any offences whatsoever and the contents of the complaint itself demonstrates the manner in which the 2nd respondent behaved. Learned counsel further states that though the petitioners have not committed any offences, taking the advantage of her caste and with an intention to wreck vengeance against accused No.1, the 2nd respondent implicated all the petitioners in a false case. Learned counsel also states that as Police are trying to arrest the petitioners arbitrarily and therefore, no further orders in this Criminal Petition are required, except to protect the petitioners

from arbitrary arrest.

4. Learned Assistant Public Prosecutor did not raise any serious objection for grant of such relief.

5. Thus, having regard to the submissions made and keeping in view the facts and circumstances of the case, this Criminal Petition is disposed of with the following directions:

(i) The Station House Officer, Raikode Police Station /Investigating Officer shall not effect arrest of the petitioners/Accused Nos.2 to 6 without following the procedure established by law.

(ii) The Station House Officer, Raikode Police Station/Investigating Officer, shall adhere to the requirement to follow Section 41-A Cr.P.C except under the circumstances mentioned under Sections 41(1) and 41-A (4) Cr.P.C.

(iii) The guidelines issued by the Hon'ble Apex Court in Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 shall be followed.

(iv) The Station House Officer/Investigating Officer shall not insist upon the personal appearance of the petitioners/Accused Nos.2 to 6 during the course of investigation, except where their personal appearance is required.

(v) In case the personal appearance of the petitioners/Accused Nos.2 to 6 is required, the same shall be communicated to them in writing indicating the reasons for which their personal appearance is sought.

(vi) However, it is made clear that the Investigation may go on.

(vii) That the petitioners/Accused Nos.2 to 6 shall cooperate with the police during the process of investigation.

6. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.