

**(2022) 11 TEL CK 0016**  
**In the Telangana High Court**  
**Case No : Criminal Petition No. 9906 Of 2022**

Nagandla Seshamma And 2 Others

APPELLANT

Vs

State Of Telangana And Another

RESPONDENT

**Date of Decision :** 10-11-2022

**Acts Referred:**

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

**Citation :** (2022) 11 TEL CK 0016

**Hon'ble Judges :** Dr. Chillakur Sumalatha, J

**Bench :** Single Bench

**Advocate :** Nagaraju Pullagura

**Final Decision :** Disposed Of

## Judgement

1. Heard the submission of the learned counsel for the petitioners as well as the learned Additional Public Prosecutor representing Respondent No.1.
2. In the light of the limited request made, issuance of notice to Respondent No.2 is felt not necessary.
3. Seeking the Court to quash the proceedings that are pending against the petitioners, who are arrayed as Accused Nos.3 to 5 in Crime No.1256 of 2022 of Miyapur Police Station, Cyberabad District, the present Criminal Petition is filed.
4. Learned counsel for the petitioners states that the petitioners are the relatives of Accused No.1. Basing on the said relationship, the 2nd respondent foisted a false case against the petitioners. Learned counsel also states that very recently, mother of the 2nd petitioner passed away and the petitioners are attending the required ceremonies. But Police are trying to arrest the petitioners arbitrarily and therefore no further orders are required in this Criminal petition, except to protect the petitioners from arbitrary arrest.
5. Learned Additional Public Prosecutor did not raise any objection for grant of such relief.

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

(i) The Station House Officer, Miyapur Police Station /Investigating Officer shall not effect arrest of the petitioners/Accused Nos.3 to 5 without following the procedure established by law.

(ii) The Station House Officer, Miyapur 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, Miyapur Police Station /Investigating Officer shall not insist upon the personal appearance of the petitioners/Accused Nos.3 to 5 during the course of investigation, except where their personal appearance is required.

(v) In case the personal appearance of the petitioners/Accused Nos.3 to 5 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.3 to 5 shall cooperate with the police during the process of investigation.

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