
(2022) 08 TEL CK 0008
In the Telangana High Court
Case No : Criminal Petition No. 6924 Of 2022

Yemsani Prakash And 5 Others

APPELLANT

Vs

State Of Telangana And Another

RESPONDENT

Date of Decision : 03-08-2022

Acts Referred:

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

Citation : (2022) 08 TEL CK 0008

Hon'ble Judges : Dr. Chillakur Sumalatha, J

Bench : Single Bench

Advocate : Sarosh Sam Bastawala

Final Decision : Disposed Of

Judgement

1. Seeking the Court to quash the proceedings that are pending against the petitioners, who are arrayed as accused Nos.1 to 6 in Crime No.313 of 2022 of Shankerpalli Police Station, the present criminal petition is filed.
2. Heard the submission of learned counsel for the petitioners as well as learned Assistant Public Prosecutor, who is representing respondent No.1. In the light of the limited relief sought for, issuance of notice to respondent No.2 is felt not necessary.
3. Learned counsel for the petitioners submits that respondent No.2/defacto complainant is the son of the brother of petitioner No.1 and due to family disputes a false case is foisted against the petitioners. Learned counsel also states that the disputed property was sold long back and now respondent No.2 is claiming the said property. However, learned counsel states that no further orders in this criminal petition are required, except to protect the petitioners from arbitrary arrest and to direct the police concerned to consider the documents that would be produced by the petitioners.
4. Learned Assistant Public Prosecutor did not raise any objection to direct the concerned police to follow the procedure established by law police and to permit

the petitioners to produce the relevant documents and to consider the same.

5. Thus, having regard to the facts and circumstances of the case, this Court disposes of the criminal petition with the following directions:-

(1) The Station House Officer, Shankerpalli Police Station, is directed to permit the petitioners/accused Nos.1 to 6 to produce the relevant documents. In case the said documents are produced, the same may be considered. However, the decision with regard to reliability and the value to be attached regarding the said documents shall be taken by the Investigating Officer basing on his own observations.

(2) The Station House Officer, Shankerpalli Police Station, shall not effect arrest of the petitioners/accused Nos.1 to 6 without following the procedure established by law.

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

(4) The guidelines issued by the Hon'ble Apex Court in ARNESH KUMAR Vs. STATE OF BIHAR - (2014) 8 SCC 273 shall be followed.

(5) The Station House Officer/Investigating Officer shall not insist upon the personal appearance of the petitioners/accused Nos.1 to 6 during the course of investigation, except where their personal appearance is required.

(6) In case the personal appearance of the petitioners/Accused Nos.1 to 6 is required, the same shall be communicated to them in writing indicating the reasons for which their personal appearance is sought.

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

(8) The petitioners/accused Nos.1 to 6 shall cooperate with the police during the process of investigation.

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