

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

THURSDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

**:PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 14861 OF 2024

Between:

Thanneeru Harish Rao, S/o. Thanneeru Satyanarayana Rao, Aged about 52 years, Occ: M.L.A. of Siddipet Assembly Constituency, R/o. D. No. 11-1-59/2, Bharath Nagar Siddipet District, Telangana State -502103.

Petitioner/Accused-1

AND

1. The State of Telangana, Represented by Public Prosecutor, through S.H.O. P.S., Panjagutta, High Court for the State of Telangana, at Hyderabad.

Respondent No.1/Complainant

2. Gadhagoni Chakradhar Goud, S/o. G.Ramakrishna Goud, Age: 40 years, Occ: Real Estate Dealer, R/o. Flat No 102, Sai Park View Apartment, Pragathi Nagar, Nizampet, Bachupally, Hyderabad District.

Respondent-2/De facto Complainant

WHEREAS the Petitioner above named through his Advocate Sri R.Chandrashekar Reddy, presented this petition under Section 528 of BNSS, praying that in the circumstances stated in the Petition, the High Court may be pleased to call for the records in FIR No. 1205/2024 dated: 01/12/2024 of Police Station Panjagutta and quash the same in so far as offence under Section 120b, 386, 409, 506 R/w 34 IPC & 66 IT Act-2008 is concerned in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed therein, and upon hearing the arguments of Sri J. Ramchander Rao, Seniro counsel representing Sri R. Chandrashekar Reddy, Advocate for the Petitioner, and Sri Sidharth Luthra, Senior Counsel representing the Public Prosecutor, for Respondent No.1, 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:

Gadhagoni Chakradhar Goud, S/o. G.Ramakrishna Goud, Age: 40 years, Occ: Real Estate Dealer, R/o. Flat No 102, Sai Park View Apartment, Pragathi Nagar, Nizampet, Bachupally, Hyderabad District.

are directed to show cause on or before 30-12-2024 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: 2 OF 2024:

Petition under Section 528 of BNSS, praying that in the circumstances stated in the petition, the High Court may be pleased to grant stay of all further proceedings in FIR No. 1205/2024 dated: 01.12.2024 of Police Station Panjagutta and quash the same in so far as offence under Section 120b, 386, 409, 506 R/w 34 IPC & 66 ITAct-2008 is concerned including arrest, investigation and filing of final report, pending disposal of Crl.P. No. 14861 of 2024, on the file of the High Court.

The Court made the following: ORDER:

Issue Notice to respondent No.2.

Personal notice is permitted.

Learned counsel appearing for the petitioner shall file proof of service.

List on 30.12.2024.

In the complaint dated 01.12.2024, 2nd respondent has narrated all the facts right from 21.03.2021. He has lodged complaint basing on the alert message received from Apple Company on 29.08.2023.

Sri Sidharth Luthra, learned senior counsel representing learned Public Prosecutor, would contend that the contents of complaint dated 01.12.2024 constitute the offences under Sections 386, 409 and 506 of IPC. The investigation is at budding stage and it cannot be stalled. He has placed reliance on the principle laid down by the Hon'ble Apex Court in STATE V. M. MARIDOSS¹, SIDDHARTH MUKESH BHANDARI V. STATE OF GUJARAT², CBI V. THOMMANDRU HANNAH VIJAYALAKSHMI³, LALITA KUMARI V. GOVERNMENT OF UTTAR PRADESH⁴, NEEHARIKA INFRASTRUCTURE PRIVATE LIMITED V. STATE OF MAHARASHTRA⁵, STATE OF TELANGANA V. HABIB ABDULLAH JEELANI⁶, DIRECTORATE OF ENFORCEMENT V. NEERAJ TYAGI⁷.

Learned senior counsel would further contend that the petitioner has an alternative remedy to file an application seeking anticipatory bail under Section 482 of Bharatiya Nagarik Surakshita Sanhita, 2023 (for Short "BNSS"). Therefore, with the said submissions, he sought dismissal of the present criminal petition.

¹ (2023) 4 SCC 338

² (2002) 10 SCC 530

³ (2021) 18 SCC 135

⁴ (2014) 2 SCC 1

⁵ (2021) 19 SCC 401

⁶ (2017) 2 SCC 779

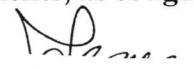
⁷ (2024) 5 SCC 419

Sri J. Ramchander Rao, learned senior counsel representing Sri Ramavaram Chandrashekar Reddy, learned counsel for the petitioner, would contend that the contents of the complaint lack the ingredients of offences alleged against the petitioner. There is no explanation for the delay caused in lodging the complaint and there is no whisper about the offences punishable under Sections 386 and 409 of IPC in the complaint. Petitioner will co-operate with the investigating officer and there is threat of his arrest.

He would further submit that the petitioner is a sitting MLA and due to political rivalry, 2nd respondent implicated him in the present case. Without verifying the contents of the complaint and without conducting any enquiry, the Police, Panjagutta, registered the subject crime which is in violation of principles laid down by the Hon'ble Apex Court and also the procedure laid down under BNSS.

As discussed supra, there is no explanation for the delay caused in lodging the complaint. *Prima-facie*, the contents of the complaint lack the very ingredients of the offences alleged against the petitioner, more particularly, under Sections 386, 409 and 506 of IPC. In a matter like this, custodial interrogation of petitioner is not required. He is sitting M.L.A. This Court is having power under Section 482 of Cr.P.C to grant protection to the accused as held by this Court vide order dated 24.06.2024 in CrI.P.No.1866 of 2024.

Therefore, Investigating Officer in Crime No.1205 of 2024 pending on the file of Panjagutta Police Station is directed not to arrest the petitioner till 30.12.2024. However, investigation may go on and the petitioner shall co-operate with the investigating officer by furnishing information and documents, as sought by him.


SD/-MOHD.ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Addl. Chief Metropolitan Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Panjagutta Police Station, Hyderabad.
3. Gadhagoni Chakradhar Goud, S/o. G.Ramakrishna Goud, Age: 40 years, Occ: Real Estate Dealer, R/o. Flat No 102, Sai Park View Apartment, Pragathi Nagar, Nizampet, Bachupally, Hyderabad District. (BY RPAD along with a copy of petition and grounds)
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
5. One CC to Sri R Chandrashekar Reddy, Advocate (OPUC)
6. One Spare Copy

HIGH COURT

KL,J

DATE: 05-12-2024

NOTE: POST ON 30-12-2024

NOTICE BEFORE ADMISSION

CRL.P. NO. 14861 OF 2024

DIRECTION

