

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

**TUESDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION NO: 3536 OF 2023**

Between:

Syed Azharuddin Sufi Quadri, S/o. (late) Kamaluddin Sufi, Age.32 Years, Occ. Business, R/o. H. No. 17-1-178/32/A, Ground Floor, Nehru Nagar, Rein Bazar, Hyderabad-500023.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, through S.H.O., P.S. Cybercrime, CCS, DD, Hyderabad, represented by Public Prosecutor, High Court at Hyderabad.
2. Seethalakshmi Anand, W/o. V. P. Anand, Age.50 Years, Occ.House wife, R/o. H. No. 3, Senor Valley, Road No.13, Film Nagar, Jubilee Hills, Hyderabad-500033.

...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 F.I.R. No. 120 of 2021, of P.S. Cybercrime, CCS, DD, Hyderabad, and to pass such other order or orders

I.A. NO: 1 OF 2023

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 stay of all further proceedings including arrest of the petitioner/accused in F.I.R. No. 120 of 2021, of P.S. Cyber crime, CCS, DD, Hyderabad, and to pass.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K VENUMADHAV, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3536 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner to quash the proceedings against him in respect of FIR No.120 of 2021 pending on the file of Station House Officer, Cyber Crime Police Station, Hyderabad, filed for the offence punishable under Section 66-C of the Information Technology Act, 2000.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

3. In pursuance of investigation done by the Cyber Crime Police, Hyderabad, a notice under Section 41-A Cr.P.C. was issued to the petitioner on 01.07.2022 and in the process of investigation, seizures were also affected. The allegation in the present case is that the What's App account of the 2nd respondent was hacked. Again, another notice under Section 41-A Cr.P.C. was issued on 04.04.2023 which is replica of notice issued earlier on 01.07.2022

and no reasons are cited in the said notice, except changing the date. When the investigation has been done and seizures were also affected, the reason as to why the petitioner being called to the police station is not reflecting in the said notice dated 04.04.2023.

4. In the said circumstances, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.120 of 2021 of Cyber Crime Police Station, Hyderabad, to conclude the investigation without taking any coercive steps against the petitioner, by strictly following the procedure laid down under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹. The petitioner shall co-operate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

5. Accordingly, the Criminal Petition is disposed of.

¹ (2014) 8 SCC 273

Miscellaneous applications pending, if any, shall stand closed.

SD/-V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Cybercrime, CCS, DD Police Station, Hyderabad.
3. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri K.Venumadhav, Advocate [OPUC]
5. Two CD Copies

BJLB

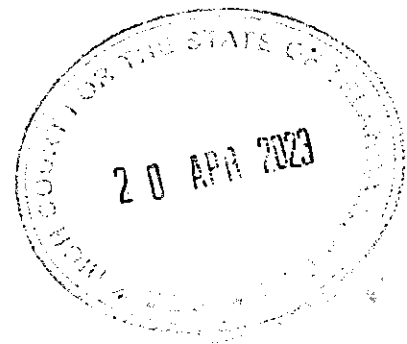


HIGH COURT

DATED:11/04/2023

ORDER

CRLP.No.3536 of 2023



CRIMINAL PETITION IS DISPOSED OFF

⑧ VW
20/4/23