

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1887 OF 2023

Between:

Mr. Abhishek Rao Belupu, S/o. Mr. Sanjeev Rao Belupu, Age: 36 Yrs., Occ:
Business R/o Plot No.109, Gunrock Enclave, Phase I, Secunderabad 500 009.

...PETITIONER/ACCUSED No.3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Through Station House Officer, Cyber Crime Police Station.
2. Mrs. Sudha Jagdish Rao, W/o. Late Jagdish Rao, Age: 62 years, R/o. Plot No. 138, S.P. Colony, Tirumulgherry, Secunderabad Hyderabad, Telangana-500015

...RESPONDENTS/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 FIR No. 2383 of 2022 dated 19-12-2022, on the file of Cyber Crime Police Station U/SEC 66(C), 66 (D) IT Act and U/S 419, 420, 468 r/w 34 IPC.

I.A. NO: 2 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 with the further proceedings related to the Petitioner in FIR No.

2383 of 2022 dated 19.12.2022, on the file of Cyber Crime Police Station U/SEC 66(C), 66 (D) IT Act and U/S 419, 420, 468 r/w 34 IPC.

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

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1887 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-accused to quash the proceedings against him in FIR No.2383 of 2022, pending on the file of Station House Officer, Cyber Crime Police Station, Hyderabad, registered for the offences punishable under Sections 66(C), 66 (D) of the Information Technology Act, and under Sections 419, 420, 468 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for respondent No.1 – State.

3. Learned counsel for the petitioner would submit that the Income tax returns were signed by respondent No.2 herein and she had falsely claimed that the petitioner has forged her husband's signature. The question of forging the signature of her late husband in filling of income tax returns is denied. In the complaint, there is mention about income tax returns which is

signed on 29.10.2022. However, the learned counsel for the petitioner has filed income tax returns which were signed on 02.09.2022. He further submits that there are no other returns filed and this is the very same returns she is referring to in the complaint. The said aspect shall be considered by the police during the course of investigation and this Court deems it appropriate to direct the Investigating Officer in FIR No.2383 of 2022, pending on the file of Station House Officer, Cyber Crime Police Station, Hyderabad, to follow the procedure laid down under Section 41-A Cr.P.C and also the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹ scrupulously. The petitioner shall co-operate with the Investigating Officer in concluding the investigation.

4. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

Sd/- K. VENKAIAH
ASSISTANT REGISTRAR

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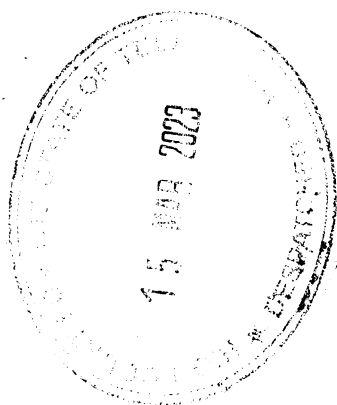
SECTION OFFICER

To,

1. The Station House Officer, Cyber Crime Police Station, Hyderabad District.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI OMAR A PASHA, Advocate [OPUC]
4. Two CD Copies.

HIGH COURT

DATED:23/02/2023



ORDER

CRLP.No.1887 of 2023

DISPOSING OF THE CRIMINAL PETITION

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MA
14/3/23