

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.6881 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/A1 to A3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.810 of 2015 on the file of VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, wherein the learned Magistrate has taken cognizance for the offence punishable under Sections 385, 452 and 506 I.P.C.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Telangana) for the State before notice to the 2nd respondent and before admission. Perused the material on record.

It is one of the contentions of the learned counsel for the petitioners that A1 is not in a position to move because he lost his lower limbs as per the Medical Board certificate and the alleged trespass of him is nothing but false accusation and it is a civil litigation colluded and filed a criminal case, even there is a civil dispute in this regard covered in O.S.Nos.949 of 2014 and 174 of 2014 that the 1st petitioner is no other than bonafide purchaser from original vendors under contract for sale without obtaining sale deed and the 2nd petitioner is no other than son of the 1st petitioner and 3rd petitioner is no way even otherwise concerned.

A perusal of the material in fact, falls short for this Court to admit the application for quashing the calendar case but for

the factual matrix entitled disposal giving liberty to the petitioners to file any application if there are no charges to frame by the trial Judge under Section 240 cr.P.C. to hear such application under Section 239 Cr.P.C. and pass order on own merits from the prosecution material vide **State of Orissa v. Debendranath Padhi**^[1]. Needless to say, as the 1st petitioner lost both of his lower limbs and unable to move frequently but for with assistance of somebody, his presence if sought either through special vakalat holder under Section 205 Cr.P.C., or under Rule 37 of Criminal Rules of Practice in the event of such application, the learned Magistrate shall hear and permit with necessary conditions.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 03-08-2015

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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.6881 OF 2015

Between:

Khaleel Ahmed

... Petitioner

and

The State of Telangana, rep., by Public Prosecutor and another
... Respondents

DATE OF JUDGEMENT PRONOUNCED: 03-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment
marked to Law Reporters/Journals? | Yes/No
Yes/No |
| 3. Whether Their Ladyship/Lordship
to see the fair copy of the Judgment? | Yes/No
Yes/No |

[\[1\]](#) (2005)1 SCC 568