

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

* * *

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 38385 of 2015

BETWEEN

K.Seetha Ram Reddy

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary to Government and
others

...RESPONDENTS

Date of Order pronounced: 26.11.2015

ORDER:

This writ petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Certiorari to call the records pertaining the Crime No.90 of 2009, PS Huzurnagar and declare the action of the 2ⁿ^d Respodent for registering the Crime No.90 of 2009, PS Huzurnagar on the Petitioner is illegal, arbitrary, Un Constitutional and also violation of Articles 14, 21 and 300 A of Constitution of India as Counter case for Crime No.154 of 2009, PS Huzurnagar and Consequently Quash the Proceedings of CCNo 364 of 2009 on the file of Addl JFCM Court, Miryalaguda, Nalgonda district and pass such other order or orders which this Hon'ble Court deems fit and proper in the circumstances of the case.

2. The petitioner/party-in-person states that the case is not proceeding properly before the Court below as the connected C.C.No.290 of 2010 is not

being clubbed for a joint trial along with C.C.No.364 of 2009 though both the cases are pending on the file of the learned Additional Judicial First Class Magistrate, Miryalaguda, Nalgonda District. However the prayer of the petitioner/

party-in-person in this writ petition is not in this regard and he seeks quashing of the proceedings in C.C.No.364 of 2009.

3. Perusal of the affidavit reflects that the grounds for seeking such quashing are based on the merits of the matter. That being so, it would always be open to the petitioner to seek discharge in accordance with the provisions of the Code of Criminal Procedure, 1973, before the court below. It is not the case of the petitioner that he has already exhausted this remedy.

4. In that view of the matter, this Court is not inclined to entertain this writ petition seeking quashing of a case dating back to the year 2009.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

November 26, 2015

Lmv