

**THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION No.1248 of 2017**

**ORDER:**

The only short question involved herein is whether the request in this petition filed under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings against the petitioners/Accused Nos.4 and 5 in Calender Case No.779 of 2010 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, can be acceded to when this Court, by order dated 18.11.2016, in Criminal Petition No.11244 of 2010, had quashed the proceedings against Accused Nos.1 to 3 in the very same Calender Case.

Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.1.

Sri I.V.N.Raju, learned counsel for the petitioners, would place the certified copy of the docket proceedings, dated 05.01.2017, of the Court of XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad, in Calender Case No.779 of 2010, to show that on that day, the petitioners herein made their appearance before the Court in the said Calender Case.

When on the same set of facts for the same offences, this Court, in Criminal Petition No.11244 of 2010, quashed the proceedings against Accused Nos.1 to 3 in the very same Calender Case, and since the petitioners herein were not available then, for the reasons best known to them, and made their appearance subsequently, certainly, the petitioners cannot be discriminated. Therefore, the proceedings in C.C.No.779 of 2010 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, against the petitioners/Accused Nos.4 and 5 are hereby quashed.

Accordingly, the Criminal Petition is allowed.

Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

February 16, 2017.

v v

**A. SHANKAR NARAYANA, J**

