IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY

PRESENT
THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION NO: 6213 OF 2020

Between:

1. Dudi Srikanth Reddy, S/o Dudi Raji Reddy,
2. Yellammala Arun, S/o. Narsimulu,
3. Koduri Naresh, S/o Ramesh,
4. Akaram Ramesh, S/o Narayana,
5. Pyata Ramu, S/o Sathaiah,

...PETITIONERS/ACCUSED

AND

1. The State of Telangana, Rep.. by its Public Prosecutor, High Court of Judicature of Telangana, Hyderabad.
2. V. Vijay Sagar, S/o Komuraiah,

...RESPONDENTS

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 call for the records in Crime No.437 of 2020 on the file of Siddipet I Town Police Station, Siddipet, Siddipet District for the offences under Sections 147, 452, 353, 332, 395 R/w 149 of IPC and quash the same

I.A. NO: 1 OF 2020

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 dispense with the filing of the certified copy of FIR in Crime No.437 of 2020 on the file of Siddipet I Town Police Station, Siddipet, Siddipet District.

I.A. NO: 2 OF 2020

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 all further proceedings in Crime No.437 of 2020 on the file of Siddipet I Town Police Station, Siddipet, Siddipet District including arrest of the petitioners, pending disposal of the present Criminal Petition and further pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B.Narayan Reddy, Advocate for Sri Sanjeev Gillella, Advocate the Petitioners and of the Additional Public Prosecutor, on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION No.6213 of 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.'), seeking to quash the FIR / Crime No.437 of 2020 dated 26.10.2020 on the file of Siddipet I Town police station, registered for the offences punishable under Sections 147, 452, 353, 332, 395 read with Section 149 IPC, wherein the petitioners are arrayed as accused.

2. This Criminal Petition is taken up for hearing today, i.e. 14.12.2020, through video conferencing.

3. Heard Sri B. Narayan Reddy, learned counsel appearing on behalf of Sri Sanjeev Gillela, learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the 1st respondent State. With the consent of both the parties, the above case is taken up for hearing and disposal.

4. It is submitted by the learned Counsel for the petitioner that except the name of the 1st petitioner, the other petitioners names were not even mentioned in the original FIR registered. It is subsequent to the registration of crime and as an after thought to wreck political vendetta the names of the other petitioners were subsequently added and are arrayed as accused. Learned Counsel for the petitioner would further submit that except the offence under Section 395 IPC, rest all other provisions under which the petitioners are charged with are bailable offences. In so far as

invoking Section 395 IPC is concerned, the same does not stand attracted at all for the alleged offence.

5. Learned Additional Public Prosecutor at this stage would submit that this Court in another Criminal Petition being Crl.P.No.5481 of 2020 filed by other accused in the above crime was pleased to dispose of the same with certain directions and the present petitioners who are also arrayed as accused therein may also be put on the same terms.

6. Learned Counsel for the petitioner would submit that the same concession can be extended to the present petitioner also.

7. For the reasons alike as stated in the order dated 12.11.2020 in Criminal Petition No.5481 of 2020, this Criminal Petition is disposed of, by making the said order applicable to the present petitioners also. Registry is directed to make the order in Criminal Petition No.5481 of 2020 as part of this order.

8. Subject to the above, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

Sd/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Station House Officer, Siddipet I Town Police Station, Siddipet, Siddipet District.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
3. One CC to Sri Sanjeev Gillella, Advocate (OPUC)
4. Two CD Copies
(Order passed in Crl.P.No.5481 of 2020 be made part of this order)

Kj.

HIGH COURT

DATED:14/12/2020

ORDER

CRLP.No.6213 of 2020



DISPOSING OF THE CRL.P.

23/12/2020.

THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.5481 of 2020

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed to quash the proceedings in Crime No.437 of 2020 of Siddipet I Town Police Station, Siddipet. The petitioners herein are accused Nos.3, 4, 7 & 8 in the said crime. The offences alleged against the petitioners are under Sections 147, 452, 353, 332, 395 read with Section 149 of IPC.

2. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the record.

3. The Tahsildar, Siddipet Urban is the complainant. As per the complaint, he has received information from Inspector of Police, Siddipet about illegal amount kept in house No.1-79 belonging to the father-in-law of the contesting candidate of 41-Dubbaka Constituency and requested for search of the said house. Therefore, he has rushed to the said place on 26.10.2020 at 14.00 hours. He has issued a notice for search of house to the owner and conducted search activity of house in the presence of panchas. They have found an amount of Rs.18,67,000/- and the said amount was seized under a cover of panchanama.

4. It is further alleged in the complaint that when the *de facto* complainant and other Police officials came just to step

out of the said house with files in his hand and bag of cash in the hands of a Head Constable, group of people including the accused provoked by the contesting candidate, jumped the compound wall and attacked on the Police officials and also the Revenue officials. They have forcibly torned the bag and snatched away the money from the bag. ACP, Siddipet and some other Police officials have also received injuries while protecting the money.

4. Learned Public Prosecutor would submit that the money has to be recovered from all the accused including the petitioners herein. C.C. TV footage is collected for the purpose of investigation. An amount of Rs.12,80,000/- was taken away by all the accused and others. The matter requires investigation and petitioner Nos.1 and 2/A-3 and A-4 have to be interrogated.

5. On perusal of the complaint dated 26.10.2020 would reveal that there are no specific allegations against petitioner Nos.3 and 4/A-7 and A-8 with regard to snatching away the money. There are several factual aspects which are to be investigated by the Investigating Officer.

6. In view of the above, the Investigating Officer in Crime No.437 of 2020 on the file of Siddipet I Town Police Station, Siddipet, is directed not to arrest the petitioners/A-3, A-4, A-7 and A-8. However, it is made clear that the investigation

may go on. If the Police wants to interrogate the petitioners/ A-3 and A-4 for the purpose of recovery of money alleged to have been taken away by them, the Police are at liberty to take steps in accordance with law.

7. With the above said direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

K.LAKSHMAN, J

Date: 12.11.2020.
Note: Issue CC today.
B/o. TJMR