

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

**PRESENT
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

CRIMINAL PETITION NO: 3340 OF 2020

Between:

T. Venkateswara Rao, S/o-T. Krishna Rao resident of House No. 213, A WHO Colony,
Sector-A Kharkana Secundrabad, Hyderabad. **...PETITIONER/ACCUSED No.1**

AND

1. State of Telangana , Represented by Public Prosecutor, High Court of Telangana
Hyderabad. **Respondent No. 1**
2. J.V. Krishna Reddy, S/o-Uma Sankar, R/o.Flat No. 302, KK Enclave,
Dharamkaram Road, Ameerpet, Hyderabad.

...RESPONDENT NO. 2 / DEFACTO COMPLAINANT

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 relating to FIR No. 100 of 2020 dated 18.06.2020 on the file of the Trimulghery Police Station and quash the same.

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 FIR No. 100 of 2020 dt 18.06.2020 on the file of the Trimulghery Police Station.

I.A. NO: 2 OF 2021

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 extend the interim orders dtd: 24/8/2020 in I A No. 2 / 2020 in CrI. P. No.3340/2020 .

I.A. NO: 3 OF 2021

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 extend the interim orders dated; 24.08.2020 in IA No.2 / 2020 in CrI.P. No.3340/2020.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M.V. PRATAP KUMAR, Advocate for the Petitioner and the Asst. Public Prosecutor on behalf of the Respondent No.1 and of Sri Pattabhi Vemulapati, Advocate for the Respondent No. 2.

The Court made the following: ORDER

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

Criminal Petition No.3340 of 2020

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioner/A.1, seeking to quash the proceedings against him in Crime No.100 of 2020 of Trimulghery Police Station, Hyderabad City, registered for the offences punishable under Sections 420 and 406 IPC read with Section 34 IPC.

2. Heard the learned counsel for the petitioner/A1, the learned Assistant Public Prosecutor representing the respondent No.1/State and perused the record.

3. Learned counsel for the petitioner/A1 would submit that the petitioner/A1 is falsely implicated in the subject case. The petitioner/A1 is only an employee of the firm belonging to respondent No.2, which is involved in electronic equipment trade. All financial transactions, including control of cashbook, locker and bank accounts were exclusively dealt with by the respondent No.2. Though the petitioner/A1 had quit his employment under respondent No.2 in the year 2018 and set up his own business in Mehdiapatnam, the respondent No.2 filed the subject complaint in the year 2020 alleging that the petitioner/A1 cheated him and misappropriated the funds and stocks belonging to his firm. There is neither dishonest intention nor misappropriation on the part of the petitioner/A1 as alleged, so as to constitute the alleged offences. The allegations in the

subject FIR do not *prima facie* constitute the offences alleged and ultimately prayed to allow the Criminal Petition as prayed for.

4. As seen from the material placed on record, this Court *vide* order, dated 24.08.2020, passed in I.A.No.2 of 2020 in this Criminal Petition, directed the police concerned not to take any coercive steps against the petitioner/A1 and for issuance of notice under Section 41A of Cr.P.C to him. The said Interim order reads as follows:

"Post on 28.09.2020.

Till then, the first respondent police is directed not to take any coercive steps against the petitioner. However, this order will not preclude the first respondent police from investigating the matter in a fair and transparent manner as per law, which includes issuance of a notice under Section 41A Cr.P.C."

5. It is also brought to the notice of this Court that the petitioner/A1 has been complying with the conditions of notice issued under Section 41A of Cr.P.C. by the police concerned in the subject crime.

6. The allegations against the petitioner/A1 are with regard to the mismanagement of the business and manipulation of accounts. The interest and personal liberty of the petitioner/A1 is already protected by this Court. Since the allegations leveled against the petitioner/A1 in the subject crime constitute the offences alleged, it is not appropriate to quash the proceedings against him in the subject crime. Under these circumstances, this Court deems it appropriate to pass the following order:

"The police concerned shall complete the investigation and file Final Report/Charge Sheet, as the case may be, before the Court concerned in the subject Crime No.100 of 2020, without arresting the petitioner/A1. The petitioner/A1 shall cooperate with the Investigating Officer for smooth conduct of investigation."

7. With the above observations/directions, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The XXII Additional Chief Metropolitan Magistrate, Secunderabad.
2. The Station House Officer, Trimulghery Police Station, Hyderabad City , Hyderabad.
3. Two CCs to Public Prosecutor, High Court at Hyderabad for the State of Telangana (OUT)
4. One CC to SRI. M.V. PRATAP KUMAR, Advocate [OPUC]
5. One CC to SRI. V. PATTABHI, Advocate [OPUC]
6. Two CD Copies
7. One Spare Copy

TR

HIGH COURT

DATED:09/11/2021

ORDER

CRLP.No.3340 of 2020



DISPOSING OF THE CRL.PETITION.

09/12

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