

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 6893 OF 2021

Between:

Mohd Mujaffar, S/o. Mohd Gouse, Aged about 26 years, Occ. Sales Man,
R/o. H.No.18-08-253/146, Jamaal Colony, Moinbagh, Hyderabad, Telangana.

...PETITIONER

AND

The State of Telangana, Rep by the Public Prosecutor, High Court, Hyderabad,
Through P.S. Rein Bazar, Hyderabad.

...RESPONDENT/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 quash the proceeding against the Petitioner in C.C.No.6334 of 2019, on the file of VIII Additional Chief Metropolitan Magistrate at Hyderabad for the alleged offences U/s 420, 273, 188 IPC.

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 stay all further proceedings including arrest and appearance of the Petitioner in C.C.No.6334 of 2019, on the file of VIII Addl. Chief Metropolitan Magistrate at Hyderabad pending disposal of the Crl.P. in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Srinivas Reddy Balakisti, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6893 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.6334 of 2019 on the file of VIII Additional Chief Metropolitan Magistrate, at Hyderabad, registered for the offences under Sections 420, 273 and 188 IPC.

2. Heard the learned counsel for the petitioners/accused, learned Assistant Public Prosecutor for the respondent and perused the record.

3. The learned counsel for the petitioner/accused would submit that facts and circumstances of the case on hand are akin to the facts and circumstances of the cases in Crime No.174 of 2021 on the file of Manuguru Police Station, Bhadrachalam District and Crime No.34 of 2018 on the file of Manakondur Police Station and the proceedings in the said crimes were quashed by this Court vide orders dated 13.07.2021 and 27.08.2018 passed in Criminal Petition No.5279 of 2021 and Criminal Petition No.3731 of 2018 and batch, respectively. The contents in the subject case also do not constitute the offences under Sections 420, 273 and 188 IPC against the petitioner/accused and ultimately prayed to allow the Criminal Petition as prayed for.

4. The learned Assistant Public Prosecutor has fairly conceded the submissions made by the learned counsel for the petitioner/accused.

5. In view of the above submissions and the material placed on record, the allegations made against the petitioner/accused in the subject C.C.No.6334 of 2019 on the file of VIII Additional Chief Metropolitan Magistrate, at Hyderabad, do not constitute the offences under Sections 420, 273 and 188 IPC and there are no grounds to frame charges and proceed with against the petitioner/accused. Further, it is pertinent to state that continuation of proceedings in the subject C.C is nothing but abuse of process of law. Therefore, the proceedings against the petitioner/accused in the subject case are liable to be quashed.

6. In the result, this Criminal Petition is allowed and the proceedings against the petitioner/accused in C.C.No.6334 of 2019 on the file of VIII Additional Chief Metropolitan Magistrate, at Hyderabad, are hereby quashed.

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

//TRUE COPY//

SD/-K.ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The VIII Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Rein Bazar Police Station, Hyderabad.
3. One CC to Sri Srinivas Reddy Balakisti, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy

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HIGH COURT

DATED: 09/09/2021

ORDER

CRLP.No.6893 of 2021



ALLOWING THE CRIMINAL PETITION

A handwritten signature in black ink, followed by the date '20/09/2021' written below it.