

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

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 6976 OF 2021

Between:

1. Md. Shakeer, S/o. Md.Khadir, Age: 22 yrs, Occ. Driver, R/o. H.No.10-5-806/1, Kisannagar, Karimnagar, Karimnagar District T.S.
2. Md Sabeer Hussain, S/o.Shabeer Hussain, Age: 31 yrs, Occ: Business, R/o.H.No.6-2-657, Hussainipura, Karimnagar, Karimnagar District T.S
3. Venishetty Raghavendra, S/o.V.Shankaraiah, Age: 34 years, Occ: Business, R/o.H.No.4-502, SairamNagar, Mancheria, Mancheria District, T.S.

...PETITIONER/ACCUSED NO. 1 TO 3

AND

1. The State of Telangana, Rep. by Public Prosecutor, High court of Judicature at Hyderabad
2. The Station House Officer, P.S and Karimnagar-III Town, Karimnagar District, T.S.

...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 quash all the proceedings against the Petitioners / accused No. 1 and 3 in C.C.No. 1929 of 2017 on the file of the Learned Additional Judicial First Class Magistrate at Karimnagar, Karimnagar District for the offense U/S.270 and 273 of IPC, arose out F.I.R.No.294 of 2017, dt 20-12-2017, issued by the SHO, III Town, Karimnagar.

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 direct the Learned Additional Judicial Magistrate of First Class at Karimnagar to return the seized case property to the petitioners / Accused A-1 to 3 in C.C.No.1929 of 2017 on the file of the Learned Additional Judicial First Class Magistrate at Karimnagar, Karimnagar District for the offence U/S.270 & 273 of IPC, arose out F.I.R.No.294 of 2017, dt 20-12-2017 issued by the SHO, III Town PS Karimnagar pending disposal of the quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mr Boggula Raju, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1 and none for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION No.6976 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A1 to A3 seeking to quash the proceedings against them in C.C.No.1929 of 2017 on the file of the learned Additional Judicial First Class Magistrate at Karimnagar, wherein cognizance was taken for the offences punishable under Sections 270 and 273 of IPC.

2. Heard the learned counsel for the petitioners/A1 to A3, learned Assistant Public Prosecutor appearing for the respondents and perused the record.

3. The learned counsel for the petitioners/A1 to A3 would submit that facts and circumstances of the case on hand are akin to the facts and circumstances of the cases in Crime No.34 of 2018 of Manakondur Police Station and C.C.No.230 of 2018 on the file of II Additional Judicial Magistrate of First Class, Jagtial, and the proceedings in the said cases were quashed by this Court vide orders, dated 27.08.2018 and 27.01.2021, passed in Criminal Petition No.3731 of 2018 and batch and Criminal Petition No.7271 of 2020, respectively. The allegations in the subject case also do not constitute the offences under Sections 270 and 273 of IPC against the petitioners/A.1 to A3 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 petitioners/A1 to A3.

5. In view of the above submissions and the material placed on record, the allegations made against the petitioners/A1 to A3 in the subject case do not constitute the offences under Sections 270 and 273 of IPC and therefore, the proceedings against the petitioners/A1 to A3 in the subject case are liable to be quashed.

6. In the result, this Criminal Petition is allowed and the proceedings in C.C.No.1929 of 2017 on the file of the learned Additional Judicial First Class Magistrate at Karimnagar against the petitioners/A1 to A3, are hereby quashed.

7. Since the proceedings in the subject case are quashed, the petitioners/A1 to A3 are at liberty to file an appropriate application before the learned Additional Judicial First Class Magistrate at Karimnagar seeking release of the seized property and the learned Magistrate shall consider the same and release the seized property, in accordance with law.

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

//TRUE COPY//

**SD/-I.NAGA LAKHSMI
ASSISTANT REGISTRAR**

GP

SECTION OFFICER

To,

1. The Learned Additional Judicial First Class Magistrate at Karimnagar, Karimnagar District.
2. The Station House Officer, P.S and Karimnagar-III Town, Karimnagar District, T.S.
3. One CC to Sri Mr Boggula Raju, 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: 14/09/2021

ORDER

CRLP.No.6976 of 2021



ALLOWING THE CRIMINAL PETITION

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30/9/2021