

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

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

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

CRIMINAL PETITION NO: 7253 OF 2021

Between:

1. Janagama Narayana, S/o.Venkati, Occ Software Engineer Aged 43 Years, Occupation Software Engineer R/o.H.No.7-2-31, Janagama Village, Ramgundam Mandal, Godavarikhani, Peddapalli District -505209
2. Janagama Raju alias Rajkumar, S/o. Laxmaiah ,Occ.Tractor Driver, R/o.H.No.5-4-244/6, Shalapally Village, Jyothinagar
3. Kasipeta Chandrasekhar, S/o. Late.Rajaposham, Occ Tractor Driver, R/o.Dubbapally Village, Manthani Mandal
4. Edunuri Ravikumar, S/o.Ramaiah Narrashalapally Village, Occ Tractor Owner cum Driver, Jyothinagar. NTPC, Ramagundam Mandal.
5. Vadkapuram Akhil alias Srikanth, S/o.Ramulu, Occ Tractor Driver, R/o.T2-1925 Rameshnagar, Godavarikhani
6. Potla Ramadevi, W/o.Venkataswamy, Occ Tractor Driver, R/o.T2-1925, Rameshnagar, Godavarikhani

...PETITIONERS/ACCUSED NO.1 TO 6

AND

1. State of Telangana, through S.H.O. Godavarikhani-2 Town, Peddapalli District, rep. by its Public Prosecutor, High Court Buildings, Hyderabad.
2. The Tahsildar, Ramagundam Mandal Peddapalli District.-505208

...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 quash the proceedings against the petitioners herein in C.C.No.555 of 2020 on the file of the Principal Junior Civil Judge, Godavarikhani.

I.A. NO: 1 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 appearances of the Petitioners in C.C.No.555 of 2020 on the file of the Court of Principal Junior Civil Judge, Godavarikhani.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri.P.VENKATESWARA RAO, Advocate for the Petitioners and of the Assistant Public Prosecutor (TG) on behalf of the Respondent Nos.1 & 2.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7253 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A1 to A6 seeking to quash the proceedings against them in C.C.No.555 of 2020 on the file of the Principal Judicial Magistrate of First Class, Godavarikhani, wherein cognizance was taken for the offences punishable under Sections 447, 427, 188 Part II read with 34 of IPC and Section 3 of Epidemic Diseases Act, 1897.

2. Heard the learned counsel for petitioners/A1 to A6, learned Assistant Public Prosecutor representing respondent No.1-State and perused the record.

3. Learned counsel for the petitioners/A1 to A6 would submit that the allegations made in the complaint do not constitute the offences punishable under Sections 447, 427, 188 Part II read with 34 of IPC and Section 3 of Epidemic Diseases Act, 1897. It is further submitted that charges are not yet framed in the subject C.C. and ultimately prayed to allow the Criminal Petition as prayed for.

4. It is pertinent to state that since charges are not yet framed in the subject C.C. and a hearing is contemplated before the charges are framed, the petitioners/A1 to A6 are entitled to raise all the grounds before the trial Court that are proposed to be raised herein. The petitioners/A1 to A6 are also entitled to

file an application before the trial Court seeking discharge, in accordance with law, if they choose to do so. As effective and efficacious remedy under Section 239 Cr.P.C is available to the petitioners/A1 to A6 i.e, application seeking discharge can be filed, before charges are framed, it is not appropriate to express any opinion with regard to the merits of the case. In the given facts and circumstances of the case when an effective and efficacious remedy is available it is not appropriate to exercise the inherent jurisdiction of this Court under Section 482 Cr.P.C.

5. With the above observations, this Criminal Petition is disposed of.

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

//TRUE COPY//

Sd/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Judicial Magistrate of First Class, at Godavarikhani, Karimnagar District.
2. The Station House Officer, Godavarikhani -2 Town, Peddapalli District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
4. One CC to Sri P.Venkateswar Rao, Advocate (OPUC)
5. Two CD Copies
6. One Spare Copy

Kj.

HIGH COURT

DATED:30/09/2021



ORDER

CRLP.No.7253 of 2021

DISPOSING OF THE CRL.P.

ATM (8)
12/10/2021