

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

MONDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 7446 OF 2021

Between:

1. Kothapalli Madhukar Goud, S/o. Anjaiah, aged about 35 years, Occ. Business, R/o. H.No. 7-1-302/46/B, Dasaram Basthi S.R. Nagar, B.K.Guda, Hyderabad.
2. Thota Suman Chandra, S/o. Sathaiah, aged 35 years, Occ Business, R/o. H.No. 7-1-307-17/9A Subash Nagar, Sanathnagar, Hyderabad.

...Petitioners/Accused Nos.2 and 5

AND

1. The State of Telangana ~~and another~~, through S.H.O., Ameenpur Police Station, Sangareddy District, represented by its Public Prosecutor, High Court, Hyderabad.
2. Parvathala Bushan Rao, S/o. Shankar Rao, Aged 62 years, Occ. Manager in Kohinoor Bar, R/o. H.No. 18-2-541, Jangammet, Falaknuma 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 call for the records relating to the proceedings in Charge Sheet C.C.No.223 of 2021 on the file of the Additional Judicial First Class Magistrate at Sangareddy.

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 grant stay of all further proceedings including the appearance of the petitioners in C.C.No.223 of 2021 on the file of the Additional Judicial First Class Magistrate at Sangareddy, pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Garela Mallesh, Advocate for the Petitioners and the Assistant Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.7446 of 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C), is filed by the petitioners/A.2 & A.5, seeking to quash the proceedings in C.C.No.223 of 2021 on the file of Additional Judicial Magistrate of First Class, Sangareddy, registered for the offences punishable under Sections 420, 468, 471 r/w 34 of IPC.

2. Heard the learned counsel for petitioners/A.2 & A.5, the learned Assistant Public Prosecutor appearing for 1st respondent/ State and perused the record.

3. Learned counsel for the petitioners/A.2 & A.5 would submit that the subject CC is registered on a false complaint lodged by the respondent No.2/de-facto complainant. The petitioners/A.2 & A.5 are innocent persons and they did not commit any offence, much less the offences alleged against them in the subject CC. It is further submitted that charges are not yet framed by the trial Court 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 by the trial Court in the subject C.C. and a hearing is contemplated before charges are framed, the petitioners/A.2 & A.5 are entitled to raise all the grounds before the trial Court that are proposed to be raised herein. The petitioners/A.2 & A.5 are also entitled to file application/s before the trial Court

seeking discharge, in accordance with law, if they choose to do so. As an effective and efficacious remedy under Section 239 Cr.P.C is available to the petitioners/A.2 & A.5, i.e., application/s 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, so also to exercise the inherent jurisdiction of this Court under Section 482 Cr.P.C.

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

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

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate, at Sangareddy.
2. The Station House Officer, Ameenpur Police Station, Sangareddy District.
3. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Garela Mallesh, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
ghr



HIGH COURT

DATED: 18/10/2021



ORDER

CRLP.No.7446 of 2021

DISPOSING OF THE CRIMINAL PETITION.

PRK
25/10

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