

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 8106 OF 2021

Between:

1. Thatipalli Sravan Kumar, S/o T Veeranna Age. 33 years, Occ. Business and Owner of articles and B Bearing No. AP20R2671 R/o. 106, 5th Block, Rajiv Gruha Apartments, Gollagudem, Khammam
2. Aswa Pavan, S/o A Megharaju Age. 25 years, Occ. Business Rio. H.No. 7-3-54, Medara Basthi, Kothagudem, Khammam

...PETITIONERS/ACCUSED Nos.1 & 2

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court Buildings, Hyderabad .
2. T. Bala Rama Raju, S/o Late T Ramaraju Age. 54 years, Occ. Head Constable Rio. Police Station Kothagudem 1 town, Bhadadri Kothagudem.

...RESPONDENTS/COMPLAINANTS

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 proceedings CC no.2025 of 2021 on the file of I Additional Judicial Magistrate of First Class At Kothagudem for the offences under Section 270,273 of IPC and quash the same so far as the Petitioners are concerned as illegal and to pass

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 respondent to release the seized property i.e. bearing No. AP 20R267 Bike seized and articles worth Rs 6180/- in CC no.2025 of 2021 on the file of I Additional Judicial Magistrate of First Class At Kothagudem for the offences under Section 270,273 of IPC.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N.AARTI, Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No. and of Sri Advocate for the Respondent Nos.1 & 2.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.8106 OF 2021

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 and A.2, seeking to quash the proceedings against them in C.C.No.2025 of 2021 on the file of the I Additional Judicial First Class Magistrate at Kothagudem, wherein cognizance was taken for the offences punishable under Sections 270 and 273 of IPC.

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

3. Learned counsel for the petitioners/A.1 and A.2 would submit that the facts and circumstances of the case on hand are akin to the facts and circumstances of the case in Crime No.34 of 2018 of Manakondur Police Station, and the proceedings in the said case were quashed by this Court, *vide* common order, dated 27.08.2018, passed in Criminal Petition No.3731 of 2018 and batch. The allegations in the subject C.C. also do not constitute the offences under Sections 270 and 273 of IPC 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/A.1 and A.2.

5. In view of the above submissions and the material placed on record, the allegations made against the petitioners/A.1 and A.2 in

the subject C.C.No.2025 of 2021 on the file of the I Additional Judicial First Class Magistrate at Kothagudem, do not constitute the offences under Sections 270 and 273 of IPC. As seen from the material placed on record, there is no FSL or expert report to the effect that the substance seized is dangerous/hazardous to public health. Under these circumstances, continuation of proceedings against the petitioners/A.1 and A.2 for the offences under Sections 270 and 273 of IPC is nothing but abuse of process of law. Therefore, the proceedings against the petitioners/A.1 and A.2 for the offences under Sections 270 and 273 of IPC, in the subject C.C. are hereby quashed.

6. Accordingly, this Criminal Petition is allowed and the proceedings against the petitioners/A.1 and A.2 in C.C.No.2025 of 2021 on the file of the I Additional Judicial First Class Magistrate at Kothagudem, are hereby quashed.

7. Since the proceedings in the subject C.C. are quashed, the owner of the seized property is entitled for return of the seized property in accordance with law.

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

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class at Kothadugem,Khammam.
2. The Station House Officer,Kothaduem 1 Town P.S.,Bhadradi Kothagudem.

Corded - - -

3. 2 CCs to The Public Prosecutor for the State of Telangana, High Court at Hyderabad (OUT).

4. One CC to SRI. N.AARTHI Advocate [OPUC]

5. Two CD Copies

6. One Spare Copy

TR



HIGH COURT

DATED:10/11/2021

ORDER

CRLP.No.8106 of 2021



Allowing the Criminal Petition.

23/11/2021
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