

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

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

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 8677 OF 2021

Between:

Patan Khadar Khan, S/o. Patan Ismail Khan, aged about 29 years,
Occ.Business, R/o. H.No.15-31-4L-14/1, IV Phase, Kukatpatly, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court Buildings, High Court, Hyderabad.

...Respondent

2. Mamata Hiremath, D/o. (Not mentioned in the FIR), Aged about Not mentioned in the FIR, Occ. Not mentioned in the FIR, R/o H. No. (Not mentioned in FIR), Gundlapochampally, Mandal, Medchal, Cyberabad, Ranga Reddy District.

...Respondent/De-facto 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 C.C.No. 683 of 2021, on the file of the court of the XXII Additional Metropolitan Magistrate, Cyberabad, at Medchal in connection with FIR No.539 of 2021, dated 22-05-2021, on the file of the Pet Basheerbad Police Station Cyberabad, U/Sec.420, 406 and 504 of IPC against the petitioner herein to prevent abuse of process of Law and securing ends of justice.

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 of all further proceedings in pursuance of the Charge Sheet filed in C.C.No. 683 of 2021 on the file of the court of the XXII Additional Metropolitan Magistrate, Cyberabad, at Medchal in connection with FIR No 539 of 2021, dated 22-05-2021, on the file of the Pet Basheerbad Police Station Cyberabad, U/sec 420, 406 and 504 of IPC including appearance of the petitioner pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Thirumal Rao Mamidala, Advocate for the Petitioner 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.8677 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 against him in C.C.No.683 of 2021 on the file of XXII Additional Metropolitan Magistrate, Cyberabad, at Medchal, wherein the Court below took cognizance for the offences under Sections 420, 406 and 504 IPC.

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

3. It has been contended by the learned counsel for the petitioner/accused that there are no grounds to proceed against the petitioner/accused for the offences alleged under Sections 420, 406 and 504 IPC and continuation of proceedings against him is nothing but abuse of process of law and in the Interest of justice also the proceedings against the petitioner/accused are liable to quashed and ultimately prayed to allow this petition as prayed for.

4. On the other hand, learned Assistant Public Prosecutor would contend that the allegations made against the petitioner/accused do constitute the offences under Sections 420, 406 and 504 IPC and there is material to proceed against him and ultimately prayed to dismiss the Criminal Petition.

5. As seen from the material on record, there are allegations of cheating and criminal breach of trust against the petitioner/accused. Therefore, It cannot be said that continuation of proceedings against the petitioner/accused in the subject C.C is abuse of process of law. It is pertinent to state that the inherent jurisdiction of this Court under Section 482 of Cr.P.C., can be exercised to quash proceedings in a proper case, either to prevent the abuse of the process of any Court or otherwise to secure the ends of justice. In the instant case, none of the circumstances mentioned above do exist for quashing the proceedings against the petitioner/accused in the subject Calendar Case by exercising inherent jurisdiction of this Court under Section 482 of Cr.P.C. However, the petitioner/accused is at liberty to file an application under Section 239 Cr.P.C. before the trial Court seeking discharge, if he chooses to do so. In the event of the petitioner/accused filing such an application, the Court below shall dispose of the same, independently, on merits, in accordance with law. It is made clear that no opinion is expressed by this Court in relation to the merits or demerits of the case of the petitioner/accused on hand.

6. With the above observations and direction, 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 XXII Additional Metropolitan Magistrate, at Medchal, Cyberabad.
2. The Station House Officer, Pet-Basheerabad Police Station, Cyberabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Thirumal Rao Mamidala, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
TR



HIGH COURT

DATED:24/11/2021

ORDER

CRLP.No.8677 of 2021



DISPOSING OF THE CRIMINAL PETITION

(8) $\frac{VLOV}{9/12/21}$