

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

TUESDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1731 OF 2018

Between:

Despande Srinivasa, S/o Late D.S. Padmanabha Rao, Aged about 56 years,
Occ.Assistant Manager (Marketing) of Sundaram Finance,office at Plot
No.402,4th Floor, Lubini Rockdale, Beside Enadu office,Somajiguda, Hyderabad,
Telangana State.

...PETITIONER/ACCUSED NO.2

AND

1. The State of Telangana Rep. by its Public Prosecutor, High Court at Hyderabad.
2. Dodla Narasimha, S/o Late Mallalah. Aged about 57 years,
Occ:Agriculture,R/o.H.No.2-38,Gundlapochampally
Village,Medchal,R.R.District,Telangana State.

...RESPONDENTS/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.492/2013 on the file of XV Metropolitan Magistrate, Medchal.

(Cause Title amended as per court order dated 16/04/2021 in IA No. 3/2018 in Cr.P
No. 1731/20178)

I.A. NO: 1 OF 2018

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 in C.C.No.492/2013 on the file of XV Metropolitan
Magistrate, at Medchal including appearance, pending disposal of the main criminal
petition.

I.A. NO: 1 OF 2019

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 vacate the stay granted on 15-12-2018 in IA.No. 1 of 2018 in Cr.P.No. 1731 of
2018 on the file of the XV Metropolitan Magistrate at Medchal.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri P
VAMSHEEDHAR REDDY, Advocate for the Petitioner and the Public Prosecutor for
the State of Telangana on behalf of the Respondent No.1 and of Sri SATTAR
MANOJ, Advocate for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1731 of 2018****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to quash the proceedings against the petitioner who is arrayed as Accused No.2 in CC.No.492 of 2013 on the file of XV Metropolitan Magistrate, Medchal registered for the offences punishable under Sections 420, 506 read with 120-B of Indian Penal Code (for short "IPC").

2. Heard the learned counsel for the petitioner-Accused and the learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The petitioner is questioning the case filed by Station House Officer, Petbasheerbad Police Station.

4. The facts of the case in brief are that the petitioner/accused No.2 questioning the grievance of the cognizance taken against him for the offences under Section 420, 506 read with 120-B of IPC on the basis of a complaint filed by respondent No.2. It is alleged that

the complainant signatures were taken on papers and cheques by the accused. However, the accused allegedly handed over a JCB after obtaining a loan, for which reason the complainant felt cheated and filed complaint. The police upon investigation submitted final report stating that the case is of "civil in nature". Thereafter, the learned Magistrate recorded the statements under Section 244 Cr.P.C and has taken cognizance for the said offences.

5. The counsel for the petitioner further submits that even prima facie, no allegation is leveled against the petitioner and even taking into consideration the entire facts narrated in the statements of Pws. 1 to 3, no prima facie case is made out against the petitioner.

6. In this circumstances, several factual grounds raised by this petitioner including his leaving from the job as on date of lodging the complaint. All these aspects can be agitated before the concerned court by filing application under Section 245 Cr.P.C. The concerned Court shall decide the said facts on merits.

7. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Metropolitan Magistrate, Medchal.
2. The Station House Officer, Petbasheerabad Police Station, Petbasheerabad, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri P. Vamsheedhar Reddy Advocate [OPUC]
5. One CC to Sri Sattar Manoj, Advocate [OPUC]
6. Two CD Copies

P.L.P

4/24

HIGH COURT

DATED:08/11/2022

ORDER

CRLP.No.1731 of 2018



DISPOSING OF THE CRIMINAL PETITION

⑨
29/11/22
H/V