

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

THURSDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 2799 OF 2021

Between:

1. Gaddala Vijay Kumar, S/o. late Venkateshwarlu, Aged 24 years, Occ.Agriculture, R/o. H.No.1-211/1, Pinapaka Pattinajar, Burgampahad Mandal, Bhadradi Kothagudem District.
2. Bhukya Ashok, S/o.Kishan, Aged 26 years, Occ. Agriculture, R/o. H.No.7-140, Anjanapuram Village, Burgampahad Mandal, Bhadradi-Kothagudem District.
3. Gottimukkala Masthan Raju, S/o. late Suryanarayana Raju, age 37 years, Occ. Driver, R/o. H.No.1-23, Morampalli Banjar Village, Burgampahad Mandal, Bhadradi-Kothagudem District

...Petitioners/Accused No.1 to 3

AND

1. The State of Telangana and another, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad Through Police Station Burgampahad, Bhadradi Kothagudem District.

...Respondent

2. K. Prasad, S/o. Not known to the petitioners, Age. 38 years, Occ. Constable, PC No.971, working in Burgampahad Police Station, Burgampahad Police Station, Burgampahad, Bhadradi Kothagudem 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 call for the records in connection with the case in Cr. No. 72 of 2021 on the file of the Police Station Burgampahad, Bhadradi Kothagudem District and quash the same by allowing the above petition in respect of the petitioners/Accused No.1 to 3 herein.

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 all further proceedings in connection with the Cr. No. 72 of 2021 on the file of the Police Station Burgampahad, Bhadravadi-Kothagudem District, pending disposal of the above Criminal Petition.

I.A. NO: 3 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 police to strictly follow the procedure under section 41-A of Cr.P.C and also the guidelines held by the Apex Court in the case of Arunesh Kumar Vs. State of Bihar/Judgment reported in 2014 (8) SCC 273. since all the alleged offence is punishable below Seven years.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mummaneni Srinivasa Rao, Advocate for the Petitioners and the 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 CHILLAKUR SUMALATHA

CRIMINAL PETITION No. 2799 OF 2021

ORDER:

This criminal petition is filed seeking the Court to quash the proceedings that are initiated against the petitioners through F.I.R. No. 72 of 2021 of Burgampahad Police Station, Bhadradri Kothagudem District.

2. No representation on petitioners' side on call. On the other hand, learned Assistant Public Prosecutor submits, on written instructions, that charge-sheet was filed on completion of investigation and the case was numbered as C.C.No.551 of 2021 and the concerned Court convicted the accused.

3. The submission thus made by the learned Assistant Public Prosecutor is not disputed.

4. Therefore, this Criminal Petition is dismissed as it has become infructuous.

5. As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

//TRUE COPY//

SD/-G.SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER
9/19/22

To,

1. The Judicial First Class Magistrate, at Bhadrachalam.
2. The Station House Officer, Burgampahad Police Station, Bhadradri Kothagudem District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Mummaneni Srinivasa Rao, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK

21/2

HIGH COURT

DATED:11/08/2022

ORDER

CRLP.No.2799 of 2021



DISMISSING THE CRIMINAL PETITION AS INFRUCTUOUS

8
3/11/22
HVS