

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

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 2349 OF 2022

Between:

1. Choudam Sumanth Vishnu Teja, S/o. C.V.Ramana Rao, aged 29 years, Occ. Student (Studying at USA), R/o. H.NO. 9-170, Panduranganagar, Moti Nagar, Erragadda, Hyderabad.
2. Choudam Hemanth Vishnu Teja, S/o. C.V.Ramana Rao, aged 25 years, Occ. Student (Studying at USA), R/o. H.NO. 9-170, Panduranganagar, Moti Nagar, Erragadda, Hyderabad.

...PETITIONERS/ACCUSED Nos. 3 & 4

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court of Judicature, Hyderabad
2. Palem Goutham Chandra Kanth, S/o. Late. Palem Venkata Rao, Aged 45 years, Occ. Business, R/o. D.No. 1/2617, LIGH, 33-B. APHB Colony, Yerramukka Palle (Post), Kadapa District.

...RESPONDENTS

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 Crime No. 153/2019, on the file of the P.S. CCS, DD, Hyderabad and quash the proceedings as against the petitioners herein.

I.A. NO: 2 OF 2022

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 Crime No. 153/2019, on the file of the P.S. CCS, DD, Hyderabad., as against the petitioners herein 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 Smt. K. ANNAPURNA REDDY ,Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No1, and of Sri K. KRISHNAIAH, Advocate for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2349 of 2022

ORDER:

Heard the submission of Smt. K. Annapurna Reddy, learned counsel for the petitioners/Accused Nos.3 and 4, the learned Assistant Public Prosecutor appearing for respondent No.1 - State, and Sri K. Srinivas, Advocate, representing Sri K. Krishnaiah, learned counsel appearing for respondent No.2.

2. This Criminal Petition under Section 482 Cr.P.C. is filed seeking the Court to quash the proceedings that are pending against the petitioners, who are arrayed as Accused Nos.3 and 4 in FIR No.153 of 2019 of Central Crime Station, Hyderabad.

3. Learned counsel for the petitioners submits that the petitioners have not committed any offences whatsoever and, indeed, they were not present in India during the relevant time i.e. when the crime was registered and they were pursuing their studies at USA and a false case was foisted against them and, therefore, they moved the present Criminal Petition seeking to quash the proceedings that are pending against them.

4. On the other hand, the learned Assistant Public Prosecutor contends that the crime proceeds were diverted to the account of the petitioners herein and the involvement of the petitioners in the above crime is under investigation and, therefore, the proceedings cannot be quashed.

5. Learned counsel for respondent No.2 submits that embezzlement of the funds was started from 2014 onwards and continued till registration of the crime, and hence, the contention of the petitioners that as on the date of registration of the crime, they were not present in India has no relevance.

6. A perusal of the material available on record discloses that the crime was registered in the month of August, 2019. The learned Assistant Public Prosecutor did not assign any cogent and valid reasons as to why the case stood pending at the crime stage till now. Though the Code of Criminal Procedure has not fixed any time limit for completion of investigation and filing of Final Report as contemplated under Section 173 Cr.P.C., yet, the investigation has to be completed within a reasonable time. However, even after a lapse of about three years, the investigation is still pending.

7. The submission of learned counsel for the petitioners is that the petitioners, being the students, are facing much difficulty in their walk of life and they are unable to pursue their further studies. The submission of the learned counsel appears justifiable. Though the Court is not expected to lay any guidelines as to how the investigation is to be done by the police officials and the manner of investigation, yet, this Court is of the view that it has got inherent powers, when there is abuse of powers, to give certain directions to the police officials to perform their duties to the expectation of the public at large. Therefore, this Court considers it desirable to dispose of the Criminal Petition with a direction to the police concerned to complete investigation time-bound and file the Final Report.

8. Resultantly, this Criminal Petition is disposed of with the following direction:

"The Station House Officer, Central Crime Station, Hyderabad/Investigating Officer is directed to complete investigation in FIR No.153 of 2019 in an expeditious manner, preferably within a period of three (3) months from this date and to file Final Report before the Court concerned. The right of the

petitioners/Accused Nos.3 and 4 to move fresh application, in case the cause survives, is kept open."

9. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
DEPUTY REGISTRAR
Cm
SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad.
2. The Station House Officer, Central Crime Station, DD, Hyderabad.
3. Two CCs to Public Prosecutor, High Court at Hyderabad for the State of Telangana (OUT)
4. One CC to Smt. K. ANNAPURNA REDDY, Advocate [OPUC]
5. One CC to SRI K KRISHNAIAH, Advocate.[OPUC]
6. Two CD Copies
7. One Spare Copy



HIGH COURT

DATED:26/07/2022

ORDER

CRLP.No.2349 of 2022



DIPOSING OF THE CRL.PETITION.

ASM 9
29/8/2022