

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

**MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA**

CRIMINAL PETITION NO: 1745 OF 2013

Between:

N.Vara Prasad, S/o N.Obanna, Occ: Business, R/o H.No.10-5-816/86, St.No.2,
Nanda Nagar, Tukaram Gate, Secunderabad. **...PETITIONER/ACCUSED No.2**

AND

1. The State of Andhra Pradesh, Represented by its Public Prosecutor, High Court of Andhra Pradesh, Hyderabad,
2. Chintapalli Laxmaiah, S/o Challalah, Occ: Agriculture, R/o Errapahad Village, Noothankal Mandal, Nalgonda Dist. **...RESPONDENT**

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 proceedings against the petitioner in FIR No.117 of 2012 on the file of the Noothankal P.S., Nalgonda Dist.

CRLPMP. NO: 1461 OF 2013

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 including arrest of the petitioner in FIR No.117 of 2012 on the file of the Noothankal P.S., Nalgonda Dist., pending disposal of the CrI.P.

I.A. NO: 1 OF 2021

Between:

The State of Telangana, Represented by its Public Prosecutor, High Court at Hyderabad. **.. Petitioner / Respondent**

And

1. N. Vara Prasad S/o. N. Obanna Occ: Business, R/o H.No.10-581-6/86,
St.No.2, Nanda Nagar, Tukaram Gate, Secunderabad.
.. Respondents/ Accused

2. Chintapalli Laxmaiah, S/o Challaiah, Occ: Agriculture, R/o Errapahad Village,
Noothankal Mandal, Nalgonda Dist. .. Respondent / Complainant

(R- 2 is not necessary party)

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 in Cri. P. No.1745/2013 on the file of Hon'ble High Court dtd: 18/2/2013.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri E. VENKATA REDDY ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1745 of 2013

ORDER :

Heard the submission of the learned counsel for petitioner and also Public Prosecutor, who is representing Respondent No.1. Though Sri P.Krishnarjun, Advocate is on record for respondent No.2, the learned counsel failed to make his appearance and submit his contentions.

2. Seeking to quash the proceedings that are pending against the petitioner in a case in Crime No.117 of 2012 of Noothankal Police Station, Nalgonda District, the petitioner, who is arrayed as accused No.2 in the said FIR, is before this Court.

3. Learned counsel for petitioner submits that the case in Crime No.117 of 2012 of Noothankal Police Station is a counter case to the case in Crime No.132 of 2011 of Moinabad Police Station, and therefore, proceedings against the petitioner are unsustainable. The learned counsel further submits that the allegations made in the

complaint are totally false and baseless and no incident went on as alleged in the complaint, and therefore, the relief sought for has to be granted.

4. On the other hand, the learned Public Prosecutor submits that the case in Crime No.132 of 2011 was registered on 01.06.2011, but the present case i.e. Crime No.117 of 2012 was registered on 25.12.2012, that too, basing on a separate incident, and therefore, it cannot be termed that the earlier case is a counter case to the present case. The learned Public Prosecutor also states that basing on the incident occurred, a complaint was lodged by respondent No.2 and the allegations in the complaint makes out the case, and thus, quashing the proceedings is undesirable.

5. As per the contents of the complaint that is given by the 2nd respondent to Police, on 24.12.2012 at about 3.00 p.m., one Chittibabu, the petitioner herein and others came to the house of 2nd respondent in two vehicles, entered into the house forcibly and asked 2nd respondent to

call his son. They said that they would see how the son of the 2nd respondent will not marry their girl. By stating so, they abused the 2nd respondent and his wife and also beat them. The incident was witnessed by neighbours.

6. Basing on the above averments, a case was registered against the petitioner and others for the offences punishable under Sections 448, 323 and 506 of IPC. When the complaint and the averments in the case in Crime No.132 of 2011, which as per the version of the petitioner is a counter case are looked into, this Court finds that the entire incident occurred basing on a matrimonial dispute. However, as submitted by the learned Public Prosecutor, the earlier case cannot be termed to be a counter case to the present case. Furthermore, having regard to the clear mentioning of the date, time and place of the incident and the other relevant details projecting *prima facie* case, this Court is of the view that quashing of proceedings is undesirable.

7. Resultantly, the criminal petition is dismissed. The interim stay granted by this Court on 28.02.2013, shall stand vacated.

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

//TRUE COPY//

Sd/-V.KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To

1. The Judicial First Class Magistrate at Thungathurthy, Noothankal Police Station, Nalgonda District.
2. The Station House Officer, Noothankal Police Station, Nalgonda District.
3. Two CCs to Public Prosecutor, High Court at Hyderabad for the State of Telangana (OUT)
4. One CC to SRI E. VENKATA REDDY, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

THF

HIGH COURT

DATED:21/02/2022

ORDER

CRLP.No.1745 of 2013



DISMISSING THE CRL.PETITION

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4/4/22
HvH