

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

**TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 5843 OF 2022

Between:

1. Mr. Garikumukkala Abhilash, S/o Anand Kumar Age 23 yrs Occ Student R/o 1-59/3, New Colony, Miyapur, Hyderabad .
2. Mr. Vinod, S/o G. Santosh Kumar, Age 24 yrs Occ Student R/o 1-59/3, New Colony, Miyapur, Hyderabad
3. Mr. Gajula Ramu, S/o Late Balaji, Age 23 yrs Occ Business R/o 1-59/26, New Colony, Miyapur, Hyderabad

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana and another, Rep by Public Prosecutor, High Court of Telangana, Hyderabad.
2. Through State Police, By B. Srinivas S.I. of Police P.S. Malkajgiri, Rachakonda

...RESPONDENT/COMPLAINANTS

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 of C.C. No. 1286 of 2021, Honble XVII Metropolitan Magistrate, Cyberabad at Malkajgiri, under sections 188, 406, 420 I.P.C AND 51 (B) of DM Act, against the petitioners.

I.A. NO: 1 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 C.C. No. 1286 of 2021, Honble XVII Metropolitan Magistrate, Cyberabad at Malkajgiri, under sections 188, 406, 420 I.P.C AND 51 (B) of DM Act, 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 THOMAS LLOYD, Advocate for the Petitioner and the Assistant Public Prosecutor (TG/AP) on behalf of the Respondent No. 1 & 2.

The Court made the following: ORDER

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.5843 of 2022

ORDER:

Seeking to quash the proceedings that are pending against the petitioners in C.C.No.1286 of 2021 of the Court of XVII Metropolitan Magistrate, Cyberabad at Malkajgiri, the present criminal petition is filed.

2. Heard the submission of Sri Thomas who argued on behalf of the petitioners and learned Assistant Public Prosecutor who represented respondent Nos.1 and 2.

3. Gone through the contents of the material available on record. The case of the prosecution is that the petitioners herein who are in arrayed as accused Nos.1 to 3 were indulged in purchase of injections by name Remdesivir, which are used for treatment of corona virus and were selling the same at higher prices.

4. Learned counsel for the petitioners submits that the 1st accused i.e., 1st petitioners herein was in possession of

only one vial of injection and not 3 vials as contended by the prosecution and further more the said medicine was purchased for providing treatment to his father who was admitted at hospital and in those circumstances it cannot be held that the possession of drug is unfair and that the petitioners have committed offence.

5. Per contra, learned Assistant Public Prosecutor states that there is ample material which is collected by the prosecution to show that the petitioners are involved in purchasing and sale of life saving drug at higher price and, therefore, proceedings against them cannot be quashed.

6. The fact whether the medicine in question was purchased by 1st petitioner i.e., accused No.1 for the purpose of providing treatment to his father is the fact to be decided by the concerned Court during the course of trial.

7. Furthermore though the learned counsel for the petitioners argued that Sections 406 and 420 IPC does not attract to facts of the case, the allegations laid are grave in

nature. While framing charges, the trial Court would be at liberty to indicate the correct provision of law and frame the charges. When prima facie material is produced by prosecution and grave allegations are laid in the charge sheet, this Court is of the view that it is not desirable to quash the proceedings at the threshold paving way for the petitioners to get rid of criminal prosecution. Therefore, the present criminal petition lacks merits.

8. Resultantly, this criminal petition is dismissed. No costs.

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

SD/-B.SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Metrolopitan Magistrate, Cyberabad at Malkajgiri, R.R. District.
2. The Station House Officer, Police Station Malkajgiri, Rachakonda.
3. Two CC to Public Prosecutor, High Court for The State of Telangana at Hyderabad. [OUT]
4. One CC to SRI THOMAS LLOYD Advocate [OPUC]
5. Two CD Copies
6. One spare Copy.

NPJ

HIGH COURT

DATED:05/07/2022

ORDER

CRLP.No.5843 of 2022



**DISMISSING THE CRIMINAL PETITION
WITHOUT COSTS.**

ATM (8)
25/8/2022