

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY ,THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 8707 OF 2022

Between:

Gugulothu Srinu, S/o Hari Singh, aged 29 years Caste. ST Lambada,
Occ. Labour Contractor in L & T company, R/o. H. No. 8-2-140/1, Pratap Nagar,
Punjagutta, Hyderabad. M/o. Ramoji Thanda, Nellikudur Manda, Mahbubabad
District.

...PETITIONER/ACCUSED No.3

AND

1. The State of Telanagana, Rep.by its Public Prosecutor, High Court,
Hyderabad, Through SHO Uppal P.S., Rachakonda.

...COMPLAINANT

2. Sri swasthik raj Chhetri, S/o. Kiran Kumar Chhetri, Aged about 42 years,
Occ. Supervisor in L & T Company, R/o. shanti Nagar, Uppal, Rachakonda,
Telangana.

...COMPLAINANT /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 in S.C.NO.51 of 2019 on the file of Hon'ble
Special SC/ST Court Ranga Reddy District at LB Nagar.

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 of all further proceedings including the appearance of the
petitioner/accused No.3 in S.C.No.51/2019 on Hon'ble Special SC/ST Court
Ranga Reddy District at LB Nagar, is pending disposal of the above Criminal
Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri ABU AKRAM, Advocate for the Petitioner and of the Assistant 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.8707 OF 2022

ORDER:-

1. Heard Sri M.Mchdi Hussain, learned counsel who is representing Sri Abu Akram, learned counsel on record for the petitioner.
2. Seeking the Court to quash the proceedings that are pending against the petitioner who is arrayed as Accused No.3 in S.C.No.51 of 2019 that is pending on the file of the Special Court for trial of cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the present Criminal Petition is filed.
3. Learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever and indeed, his name is not figured anywhere in the FIR and therefore, the proceedings are liable to be quashed. Learned counsel also states that even as per the contents of the charge sheet, it is not the petitioner who is responsible for the death of the deceased.
4. Vehemently opposing the said submission, learned Assistant Public Prosecutor contends that it is the

petitioner who was given custody of the cell phone of the deceased by accused No.2 and it is the petitioner who has concealed the same knowing very well that the deceased was killed by Accused Nos.1 & 2 and the cell phone was misappropriated and hence, the petitioner has committed the offences punishable under Sections 201 and 414 IPC.

5. The case facts as could be perceived through the contents of the charge sheet are that, the petitioner herein is a labour supervisor and accused Nos.1 & 2 were working under him. The deceased-Mangara Munda was also working at the same place. The petitioner and the accused Nos.1 & 2 used to consume alcohol together. Boring grudge that the deceased, Mangara Munda, who belongs to Scheduled Tribe, has taken food in the plate of accused No.1, Accused Nos.1 & 2 decided to kill the deceased. Accordingly, they killed the deceased. They took the cell phone of the deceased after killing and handed over the same to the petitioner herein and the petitioner received the same knowing very well that by killing the deceased Mangara Munda, the said cell phone was misappropriated.

6. Thus being the allegations, the proceedings cannot be quashed only on the ground that the name of the petitioner is not figured in the First Information Report. There is no requirement that the names of all the accused have to be reflected in the First Information Report. During the course of investigation, if the participation in the offence of any others is found out, the police are will equipped to include them as accused. This Court does not find any other grounds so as to quash the proceedings. Admittedly, the power granted under Section 482 Cr.P.C. has to be exercised sparingly and that too, where convincing grounds and circumstances are projected. In the case on hand, this Court does not find any ground whatsoever to exercise such a power.

7. Resultantly, the Criminal Petition is dismissed.

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

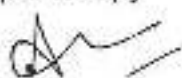
SD/-T.JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The III Metropolitan Magistrate Cyberabad at L.B.Nagar.
2. The Station House Officer, Uppal Police Station, Rachakonda District.
3. One CC to SRI. ABU AKRAM, Advocate.[OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad.[OUT]
5. Two CD Copies
6. One Spare Copy

SB



HIGH COURT

DATED:27/09/2022

ORDER

CRLP.No.8707 of 2022



DISMISSING THE CRLP WITHOUT COSTS

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[Signature]
10/21/11/2022