

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

**THURSDAY THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 9426 OF 2022

Between:

P. Prasad Rao S/o. P. Venkaiah, aged about 57 years, Occ. Business, R/o. H.No. 1-2-74 and 75 Surya Crystal Apartments, Kakatiya Nagar Colony, Habsiguda, Hyderabad-500 007.

...Petitioner/Accused

AND

1. The State of Telangana, through SHO, AH Team CCS, DD, Hyderabad, represented by its Public Prosecutor, High Court, Hyderabad.
2. Ratan Pillai S/o. Chellappa, aged about 40 years, Occ. Director of Pillai Heibhts Private Limited, R/o. Flat No. 301 Swarna Heavens, Road No. 13, Banjara Hills, Hyderabad.

...Respondents/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 relating to the charge sheet in C.C.No. 106 of 2018 on the file of the XII Additional Chief Metropolitan Magistrate at Hyderabad, and quash the same thereon.

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 dispense with filing of the certified copy of the charge sheet in C.C.No. 106 of 2018 on the file of the XII Additional Chief Metropolitan Magistrate at Hyderabad, in the interest of justice.

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 grant stay of all further proceedings including the appearance of the petitioner in C.C.No. 106 of 2018 on the file of the XII Additional Chief Metropolitan Magistrate at Hyderabad, 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 M/s. Kandula Jayasree, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9426 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused to quash the proceedings against him in C.C.No.106 of 2018 pending on the file of XII Additional Chief Metropolitan Magistrate at Hyderabad. The offences alleged against the Accused are under Sections 448, 323 and 427 read with Section 34 of Indian Penal Code (for short "IPC")

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioner herein. They are triable issues. The petitioner has to face trial and prove his innocence. The defence taken by the petitioner cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in C.C.No.106 of 2018 pending on the file of

XII Additional Chief Metropolitan Magistrate at Hyderabad against the petitioner herein.

4. Having regard to the facts and circumstances of the case and keeping in view that the petitioner – Accused is aged about 57 years, this Criminal Petition is disposed off with the following directions:

- i) The attendance of the petitioner – accused is dispensed with in C.C.No.106 of 2018 pending on the file of XII Additional Chief Metropolitan Magistrate at Hyderabad, when represented by his counsel on record.
- ii) The attendance of the petitioner is dispensed subject to filing an affidavit by the petitioner stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and shall not dispute their identity also.
- iii) However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the petitioner failure to appear when the Court directs, this order dispensing his attendance shall stand cancelled.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- K. SHYLESHI
DEPUTY REGISTRAR

23/1/23
SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Panjagutta Police Station, Hyderabad.
3. Two CCs to the Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to M/s. Kandula Jayasree, Advocate [OPUC]
5. Two CD Copies

ok

pmg.

HIGH COURT

KS,J

DATED:24/11/2022



ORDER

CRLP.No.9426 of 2022

CRIMINAL PETITION IS DISPOSED OF

⑧ PMG
12/1/23