

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10735 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, by the petitioner/accused No.13 to quash the proceedings in Crime No.48 of 2010 of Shalibanda Police Station/Special Investigation Team, Hyderabad, registered for the offence punishable under Sections 147, 148, 436, 380, 153-A read with Section 149 of Indian Penal Code, against them.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor representing respondent No.1-State. Perused the record.

3. Briefly, the case of the prosecution against the petitioner is that, respondent No.2-*de facto* complainant filed complaint that his shop was looted and burnt by a mob, due to which he sustained huge loss. The complaint was registered for the offences under section 147, 148, 436, 380, 153-A read with section 149 of Indian Penal Code against the same persons. During the course of investigation, the police identified A1 to A6, A8 and A9 and also found that A7, A10 to A21 and others

were absconding, accordingly, charge sheet was filed. The learned Sessions judge concluded trial in the said case when A1 to A6, A8 and A9, appeared. Having examined the witness, including the de-facto complainant, who was examined as PW1, marked exhibits P1 to P8 and found that there was no evidence remotely suggest that any of the accused tried for the said offences were the persons responsible for setting on fire the shop of the 2nd respondent. All the witnesses have turned hostile to the prosecution case. This petitioner was not subjected to test identification during the course of investigation, except naming in the charge-sheet that this petitioner was one of the members of miscreants who looted the shop of the de-facto complainant, there is no other evidence. Except the name of this petitioner in the absconding column, there is nothing against this petitioner in the documents filed under section 207 crpc.

4. In view of the judgment delivered by the learned Sessions Judge acquitting A1 to A6, against A9 for which there is no appeal filed by the State and all the Witnesses turning hostile to the prosecution case, no purpose would be served to keep the proceedings against this petitioner pending. In view of the aforesaid reasons the proceedings against the

petitioner/Accused 13 in Crime.No.48 of 2010 are hereby quashed and accordingly, the Criminal Petition is disposed off.

5. Pending Miscellaneous Applications, if any, shall stand closed.

K.SURENDER, J

Date: 02.12.2022

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