

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

FRIDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10711 OF 2022

Between:

Ponna Venkat Ramana, S/o P. Sudarshan, Aged 39 Years, Occ: Business, R/o.
H No 18-5-117 to122, Padmavathi Nilayam, Aliyabad, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, Represented by its Public Prosecutor, Represented by SHO, P.S., Shalibanda, High Court for the State of Telangana At Hyderabad.
2. Syed Mahamood Mohinuddin, S/o. Late Ghousuddin, Age 65 Years, Occ: Business, R/o. H.No. 19-3-262/50/70, Teegalakunta, Shahaliband, Hyderabad

...Respondents/Defacto 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 quash the proceedings in Cr No. 52 of 2010, on the file of Shalibanda Police Station, Hyderabad on the file of Shalibanda Police Station, Hyderabad District., against the Petitioner / Accused 12 and pass such other order or orders may deem fit and proper in the Circumstances of the case.

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 in Cr No. 52 of 2010, on the file of Shalibanda Police Station, Hyderabad, till the disposal of the Main Quash Petition in the interest of the justice and pass such other order or orders may deem fit and proper in the Circumstances of the case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. KARUNA SAGAR, 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.10711 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 petitioners-Accused No.12 to quash the proceedings against him in Cr.No.52 of 2010 pending on the file of Shalibanda Police Station, Hyderabad. The offences alleged against him are under Sections 147, 148, 436 380, 153-A read with 149 of IPC.

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

3. On the basis of the complaint filed by Pw.1 that shop was looted and set on fire by certain miscreants, that the police registered crime for the offences punishable under Sections 147, 148, 436 380, 153-A read with 149 of IPC. After investigation, accused A1 to A5, A7 and A8 were charge sheeted by the police mentioning the other accused as the members of the mob who attacked the shop and committed theft of material from the shop. In the charge sheet, this petitioner is shown as accused No.12 and

absconding. The learned Sessions Judge having conducted trial in the said case against the accused Nos. 1 to 5, 7 and 8 found that the defacto complainant/Pw1 except stating that his shop was already burnt did not identify the persons who were in fact responsible in the said burning and looting the material.

4. Further, the eye witness Pws.2,3,4 and panch witness for confession of accused Nos. 1 and 2 were all declared hostile. For the said reasons, when there was no evidence to state that the incident had occurred and anyone of the persons who were tried were responsible, the learned Sessions Judge acquitted the accused. There is no other evidence as far as this petitioner is concerned even in the charge sheet except stating certain names including the name of the petitioner as a person absconding. There is nothing to attribute to this petitioner. In the background of all the witnesses turning hostile and not identifying any member of the persons who indulged in looting the shop, the proceedings against this petitioner in crime No.52 of 2010 pending on the file of Shalibanda Police Station, Hyderabad is hereby quashed as no useful purpose would be served even if he sent for trial except wasting the Court time.

5. According y, the Criminal Petition is allowed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

File
SECTION OFFICER /

To,

1. The XIV Additional Metropolitan Magistrate, Nampallay, Hyderabad
2. The Station House Officer, Shalibanda Police Station, Hyderabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. K. KARUNA SAGAR, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

PSR
Avi

HIGH COURT

KS,J

DATED:02/12/2022

ORDER

CRLP.No.10711 of 2022



THE CRIMINAL PETITION IS ALLOWED

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6/1/23
Hvd