

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

WEDNESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11736 OF 2022

Between:

Kudumula Pradeep Kumar Reddy, S/o. Late Ranga Reddy, Aged about 35 Years, Occ: Business, R/o. H. No. 2-127/19/B, Vijaypuri Colony, Near Yellamma Temple, Uppal, Medchal Malkajgiri District.

...Petitioner/Accused

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, through SHO PS. Keesara, Rachakonda Commissionerate Having office at Vayupuri, Neredmet Medchal Malkajgiri District.

...Respondent

2. Boya Maidamma, W/o. Chandraiah, Aged about 46 Years, Occ. Household, R/o. Plot No. 243, J.K. Colony, Neredmet, Under GHMC Malkajgiri Circle and Mandal, Medchal Malkajgiri District.

...Respondent/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 stay further Proceedings including appearance of the Petitioner/Accused in C.C. No. 2325/2020 on the file of III Additional Metropolitan Magistrate, Malkajgiri Medchal Malkajgiri District, pending disposal of the above Quash Petition.

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 including appearance of the Petitioner / Accused in C.C. No. 2325/2020 on the file of III Addl. Metropolitan Magistrate, Malkajgiri, Medchal Malkajgiri District, pending disposal of the above Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri POLICE VENKAT REDDY, 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.11736 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 seeking to quash the proceedings against him in C.C.No.2325 of 2020 pending on the file of learned III Additional Metropolitan Magistrate, Malkajgiri. The offences alleged against him are under Sections 448 and 427 of Indian Penal Code.

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

3. The case against the petitioner is that he has trespassed into the premises of the 2nd respondent – *de facto* complainant and committed mischief.

4. Learned counsel for the 2nd respondent submits that there are claims and counter claims regarding the property.

5. In the said circumstances, this Court under 482 of Cr.P.C. cannot decide the rights of the parties when there are claims and counter claims.

6. For the said reason, this Court feels that there are no grounds to entertain the present quash petition and is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed. In the event of the petitioner filing an application seeking discharge, the concerned Court shall dispose it of on merits after hearing arguments within a period of four (04) weeks in the event of the charges being not framed in the Trial Court.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Metropolitan Magistrate, Malkajgiri, Medchal Malkajgiri District.
2. One CC to The XVII Additional Metropolitan Magistrate at Malkajgiri, Cyberabad.
3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. The Station House Officer, Keesara Police Station, Medchal District.
5. One CC to Sri. POLICE VENKAT REDDY, Advocate [OPUC]
6. Two CD Copies

PSR

HIGH COURT

KS,J

DATED:28/12/2022

ORDER

CRLP.No.11736 of 2022



THE CRIMINAL PETITION IS DISMISSED.

(9) Copies
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13/01/23