

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

**TUESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 314 OF 2023

Between:

1. Thota Swamy, S/o. Mallaiah, Age about. 53 yrs Occ. Pvt Employee R/o .H.No 1137, Asbestos Colony, Jagagirigutta Cyberabad.
2. Etamoni Mallikarjun, S/o late Mysaiah Age about 42 yrs Occ. Pvt Employee R/o 4-42-451, Asbestos Colony, Jagagirigutta Cyberabad.

...PETITIONER/ACCUSED No. 1 & 2

AND

1. The State of Telangana, Rep by Public Prosecutor, High Court of Telangana at Hyderabad.
2. Samrat Ashok, Deputy Commissioner of GHMC, Circle -24, Kukatpally GHMC

...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 quash of all further proceedings in Charge Sheet vide C.C.No. 1221 of 2019 in pending before the Hon'ble III Addl Junior Civil Judge - Cum Additional Metropolitan Magistrate at Kukatpally, Medchal Malkajgiri district for the offences Under Section Under Section 447,427,420,468,471 R/W 34 I.P.C and Sections 3 of Prevention of Damage to Public Property Act.

CRL.P.M.P./I.A. NO: 1 OF 2023

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 in C.C.No. 1221 of 2019 in pending before the Hon'ble III Addl Junior Civil Judge - Cum Additional Metropolitan Magistrate at Kukatpally, Medchal Malkajgiri district for the offences Under Section 447,427,420,468,471 R/W 34 I.P.C and Sections 3 of Prevention of Damage to Public Property Act, against Petitioners / Accused no. 1 and 2 and pass such other order or orders as this Honourable Court deems fit .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri A SAMIR KUMAR REDDY, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No. R1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.314 OF 2023****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 Nos.1 and 2 to quash the proceedings against them in C.C.No.1221 of 2019 pending on the file of III Additional Junior Civil Judge-cum-Additional Metropolitan Magistrate at Kukatpally, Medchal Malkajgiri District. The offences alleged against them are under Sections 447, 427, 420, 468 and 471 read with Section 34 of Indian Penal Code (for short "IPC") and Section 3 of PDPP Act.

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

3. Though the petitioners have raised several grounds to quash the proceedings in the aforesaid case, learned counsel for the petitioners requested this Court to dispense with the appearance of the petitioners, in the aforesaid case before the trial Court.

4. Keeping in view that the 1st petitioner are aged person, this Criminal Petition is disposed off with the following directions:

i) The attendance of the 1st petitioner – Accused No.1 is dispensed with in C.C.No.1221 of 2019 pending on the file of III Additional Junior Civil Judge-cum-Additional Metropolitan Magistrate at Kukatpally, Medchal Malkajgiri District, when represented by his counsel on record.

ii) The attendance of the 1st 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 his identity also.

iii) However, the 1st 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.

iv) No such relief is granted as far as 2nd petitioner – Accused No.2 is concerned and he shall appear before the trial Court on every date of hearing without fail.

5. Needless to say, the petitioners are at liberty to file an application seeking discharge before the concerned Court. In the event of such application being made, the concerned Court shall dispose it off on merits, within a period of four weeks from the date of filing.

Miscellaneous applications pending, if any, shall stand closed.

SD/-T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Honourable III Additional Junior Civil Judge Cum Additional Metropolitan Magistrate at Kukatpally Medchal Malkajgiri District
2. Two CCs to PUBLIC PROSECUTOR , High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI A SAMIR KUMAR REDDY Advocate [OPUC]
4. SHO, Jagadgirigutta P.S.
5. Two CD Copies

EDS
crs

HIGH COURT

DATED:10/01/2023



ORDER

CRLP.No.314 of 2023

DISPOSING THE CRL.P

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[Signature]
10/2/2023