

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

**WEDNESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 359 OF 2023

ALONG WITH I.A.No.2 of 2023

Between:

1. Gunda Sudhakar, s/o Shankaraiah, Aged about 56 Years, Occ. Kirana shop business, R/o Dandepalli village and Mandal, Mancherla Dist.
2. Muthyala Ganganna, s/o Lingaiah, aged about 45 years, Aged about 45 years, occ. Business, r/o Madaripet village of Dandepally Mandal, District Mancherla.
3. Ganmde Santhosh, s/o Kanthiah, aged about 33 years, Occ. Kirana shop business, r/o Medaripet village of Dandepalli Mandal, Dist Mancherla.
4. Edla Rajanna, s/o Malliah, aged about 43 years, Occ. Business, r/o Kondapur village, Dandepalli Mandal, Mancherla District.

...PETITIONER/ACCUSED 1 to 4

AND

The State of Telangana,, through S.H.O. Police Station Dandepalli, rep. by Public Prosecutor, High Court, Hyderabad.

...RESPONDENT/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 case in C.C.NO. 187 of 2021 on the file of Judicial First-Class Magistrate At Luxettipet, and quash the-proceedings in the above C.C.No. 187 of 2021 .

I.A. NO: 2 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 direct the court below to return the seized material in C.C.NO. 187 of 2021 on the file of Court of Judicial First-Class Magistrate At Luxettipet, 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 Sri GAJANAND CHAKRAVARTHI, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No. 1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.359 OF 2023**
ALONG WITH I.A.NO.2 OF 2023**COMMON ORDER:**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioners to quash the proceedings against them in C.C.No.187 of 2021, pending on the file of Judicial First Class Magistrate at Luxettipet.

2. The petitioners herein are the accused Nos.1 to 4 in the said crime. The offences alleged against them are under Sections 270 and 273 of Indian Penal Code (for short "IPC").

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent. Perused the record.

4. Perusal of the record would reveal that the lis involved in this case had already been dealt with by this Court extensively vide common order dated 05.07.2021 in Crl.P. No.152 of 2020 and batch which was reported in **Mohd. Jameel Ahmed v. State of**

Telangana¹ and also vide common order dated 10.06.2022 in Crl.P.No.5619 of 2020 and batch.

5. Therefore, this Criminal Petition is allowed quashing the proceedings in C.C.No.187 of 2021, pending on the file of Judicial First Class Magistrate at Luxettipet, in terms of the common order, dated 05.07.2021 passed by this Court in **Mohd. Jameel Ahmed (Supra)**.

6. Since the charge sheet is already filed, the petitioners are at liberty to file an appropriate application before the concerned Magistrate for return of the seized property/vehicle and the Magistrate shall consider the same in accordance with law. However, it is made clear that if the seized stock of tobacco products or other products are expired, the same shall be destroyed by taking permission from the concerned Magistrate.

7. The copy of the common orders passed by this Court in Criminal Petition No.152 of 2020 and batch on 05.07.2021, shall form part of this order and also vide common order dated 10.06.2022 in Crl.P.No.5619 of 2020 and batch.

¹ 2022 CriLJ 642.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The Judicial First-Class Magistrate at Luxettipet.
2. The Station House Officer ,Dandepalli Police Station ,Mancherial .
3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad.(OUT)
4. One CC to SRI, GAJANAND CHAKRAVARTHI Advocate [OPUC]
5. Two CD Copies

CDL
KAM

[Signature]

HIGH COURT

KS, J

DATED: 11/01/2023

COMMON ORDER

CRL.P.No.359 of 2023
ALONG WITH I.A.No. 2 OF 2023



ALLOWING THE CRIMINAL PETITION

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13/2/23
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