

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

TUESDAY, THE NINETEENTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 4457 OF 2017

Between:

1. Challa Venkateshwarlu, S/o. Venkaiah, aged 51 years, Occ Business, R/o. 11-1-50/3, Vani Nagar, Kandukur, Prakasam District.
2. Challa Srinivas Rao, S/o. Venkaiah, aged 57 years, Occ Business, R/o. 5-530, Deepthisrinagar, Madinaguda, Hyderabad.
3. Challa Venkaiah, S/o. Narasimham, aged 80 years, Occ Farmer, R/o. Oguru Village, Kandukur Mandal, Prakasam District.
4. Madala Malyadri, S/o. Veeraswamy, aged 45 years, Occ Business, R/o. Mupparajuvari Village, Mahadevapuram Post, Kandukur Mandal, Prakasam District.
5. Tummati Nagaraju, S/o. Ankaiah, aged 48 years, Occ Farmer, R/o. Mahadevapuram Village, Kandukur Mandal, Prakasam District.
6. G. Mallikarjuna, S/o. Raghavaiah, aged 46 years, R/o. Poretipalli Village, Gudlur Mandal, Prakasam District.
7. Nallamotu Chandramouli, S/o. Peraiah, aged 52 years, Occ Cultivation, R/o. Badevaripalem Village, Oletivaripalem Mandal, Prakasam District.
8. Balusu Venkat Narsimham, S/o. Parvathalu, aged 50 years, Occ Advocate, R/o. Kandukur, Prakasam District.
9. D. Malyadri, S/o. Kondaiah, aged 45 years, Occ Business, R/o. 13th Ward, Kandukur, Prakasam District.

...PETITIONERS/ACCUSED 1 TO 9

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Hyderabad.

....RESPONDENT

2. K. Srinivasa Rao, S/o. Narsimha Rao, aged 43 years, Occ Business, R/o. 9-1-43/14, YRK Complex, Main Road, Langer House, 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 quash the entire proceedings in C.C. No. 672 of 2016 on the file of the court of Learned Addl. Judicial Magistrate of First Class, Sangareddy .

I.A. NO: 1 OF 2017(CRLPMP. NO: 4324 OF 2017)

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 including appearance of the Petitioners in C.C. No. 672 of 2016 on the file of the court of Learned Addl. Judicial Magistrate of First Class, Sangareddy, pending disposal of the main Criminal Petition .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri NIMMAGADDA SATYANARAYANA ,Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No. 1 and of Sri P. NAGENDER REDDY Advocate for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4457 OF 2017****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 to 9 to quash the proceedings against them in C.C.No.672 of 2016 pending on the file of learned Additional Judicial Magistrate of First Class at Sangareddy. The offences alleged against them are under Sections 379, 420, 504, 506 read with 149 of Indian Penal Code (for short "IPC").

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

3. As per the contents of the charge sheet, 2nd respondent – *de facto* complainant filed a complaint alleging that he discharged the amounts taken from petitioners, but they did not return the promissory notes executed at the time of taking hand loan and they demanded 1.50 crore rupees or otherwise they will file cases by using the promissory notes and the cheques allegedly stolen by them. In the charge sheet, *prima facie*, there are certain allegations

leveled against the petitioners. They are triable issues. The petitioners have to face trial and prove their innocence. Therefore, this Court is not inclined to quash the proceedings in C.C.No.672 of 2016 pending on the file of learned Additional Judicial Magistrate of First Class at Sangareddy against the petitioners.

4. Having regard to the facts and circumstances of the case, this Criminal Petition is disposed off with the following directions:

- i) The attendance of the petitioners 2 to 9 – Accused Nos.2 to 9 is dispensed with in C.C.No.672 of 2016 pending on the file of learned Additional Judicial Magistrate of First Class at Sangareddy, when represented by their counsel on record.
- ii) The attendance of the petitioners is dispensed subject to filing an affidavit by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and shall not dispute their identity also.
- iii) However, the petitioners shall appear before the learned Magistrate as and when their presence is required. In the event of the petitioners failure to appear when the Court directs, this order dispensing their attendance shall stand cancelled.

iv) No such relief is given as far as petitioner No.1/accused No.1 is concerned.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Learned Additional Judicial Magistrate of First Class, Sangareddy.
2. The Station House Officer, P.S. Sanga Reddy, Medak.
3. One CC to SRI. NIMMAGADDA SATYANARAYANA Advocate [OPUC]
4. One CC to SRI. 4787/P NAGENDRA REDDY Advocate [OPUC]
5. Two CCs to the PUBLIC PROSECUTOR (TG) , High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

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PR

PMC.

HIGH COURT

DATED: 19/09/2023

ORDER

CRLP.No.4457 of 2017



**DISPOSING OF THE
CRIMINAL PETITION.**

⑨ PMG.
11/10/23