

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

WEDNESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 746 OF 2023

Between:

1. Pathipaka Ramu or Ramaiah, S/o. Narsaiah Aged about 40 Years, Caste Perika Occ. Business, R/o. Kamalapur Village of Mangapet Mandal, Mulugu District.
2. Poshala Kumaraswamy, S/o. Mallaiah Aged about 61 Years Caste M Kapu Occ. Rtd Employee, R/o. Kamalapur Village of Mangapet Mandal, Mulugu District.

...PETITIONERS/ACCUSED No.1 & 2

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad.

...RESPONDENT No.1

2. Kompelli Vickram, S/o. Mallaiah, Aged about 33 Years Gud Pvt Employee, Rio. Kamalapur Village of Mangapet Mandal, Mulugu District.

...RESPONDENT/DEFACTO COMPLAINANT 2

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 C.C.No.1133 of 2022, On the file of the Court of the Principal Junior Civil Judge Cum Judicial First Class Magistrate at Mulugu, Mulugu District in the interest of justice and to pass such other order or orders as the Hon'ble Court deem fit and proper in the file circumstances of the case.

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 grant stay of all further proceedings in C.C. No. 1133 of 2022, On the file of the Court of the Principal Junior Civil Judge Cum Judicial First Class Magistrate at Mulugu, Mulugu District, pending disposal of the main CrI. Petition and pass such other order or orders may deem fit and proper in the file 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 A. Jagan, Advocate for the Petitioner and the Additional Public Prosecutor (TG) 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.746 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.1133 of 2022 pending on the file of Principal Junior Civil Judge cum Judicial First Class Magistrate at Mulugu. The offences alleged against them are under Sections 294(b), 323, 325 and 506 read with 34 of Indian Penal Code.

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

3. Learned counsel for the petitioners confined his prayer to dispense with the personal appearance of the petitioners – Accused Nos.1 and 2.

4. Thus, having regard to the facts and circumstances of the case, the attendance of petitioner – Accused No.2 is dispensed with in C.C.No.1133 of 2022 pending on the file of Principal Junior Civil

Judge cum Judicial First Class Magistrate at Mulugu, when represented by his counsel on record. The attendance of the petitioner is dispensed with subject to filing an affidavit by him stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and also he shall not dispute his identity. However, the 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 would stand cancelled. No such relief is given as far as petitioner – Accused No.1 is concerned.

5. Accordingly, the Criminal Petition is disposed of. Needless to say, in the event of the petitioners filing an application seeking discharge, the concerned Court shall dispose it off on merits within a period of four (04) weeks from the date of filing, after hearing arguments on both sides.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-MOHD.ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge –cum- Judicial First Class Magistrate at Mulugu.
2. The Station House Officer, P.S. Mangapota, Mulugu District.
3. One CC to Sri A. Jagan, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

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HIGH COURT

DATED: 25/01/2023

ORDER

CRL.P.No.746 of 2023



DISPOSING OF THE CRIMINAL PETITION
WITHOUT COSTS

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PM

84/2/23