

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

**WEDNESDAY ,THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 611 OF 2019

Between:

1. Veldurthy Shiva Kumar, S/o Late V.Anjaneyulu, Aged about 35 Yrs, Occ - Software Engineer R/o H.No.6-41, Bachannapet, Warangal District.
2. V.Padma, W/o Late V.Anjaneyulu, Aged about 71 Yrs, Occ - Housewife, R/o H.No.6-41, Bachannapet, Warangal District.

...PETITIONERS/ACCUSED No.1 & 2

AND

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

...RESPONDENT/COMPLAINANT

2. Deepika, W/o Veldurthy Shiva Kumar, Aged about 31 Yrs, Occ - Software Employee, R/o H.No.18-5-667/B, Aliyabad, Hyderabad

...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 may be pleased to quash the proceedings against the petitioners/ accused No. 1 & 2 in C.C.No.267 of 2018 on the file of XXV Addl. Chief Metropolitan Magistrate at Hyderabad.

I.A. NO: 1 OF 2019

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 may be pleased to stay all further proceedings including appearance of the petitioners/ accused No. 1 and 2 in C.C.No.267 of 2018 on the file of XXV Addl. Chief Metropolitan Magistrate at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Y. Bala Murali, Advocate for the Petitioner and the Additional Public Prosecutor (TG) on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.611 OF 2019

ORDER:

1. This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners/Accused to quash the proceedings against them in C.C.No.267 of 2018 on the file of XXV Additional Chief Metropolitan Magistrate at Hyderabad.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the 1st respondent – State. Perused the record.

3. A perusal of the record would reveal that, there are disputes between the petitioners and the 2nd respondent. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioners herein. They are triable issues. The petitioners have to face trial and prove their innocence. The defence taken by the petitioners cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in C.C.No.267 of 2018 on the file of XXV Additional Chief Metropolitan Magistrate at Hyderabad, against the petitioners herein.

4. In view of the aforesaid reasons, the attendance of the petitioner/accused Nos.1 & 2 is dispensed with in C.C.No.267 of 2018 on the file of XXV Additional Chief Metropolitan Magistrate at Hyderabad, when represented by their counsel on record. 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 also they shall not dispute their identity. 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 would stand cancelled.

5. Accordingly, the Criminal Petition is disposed off. Miscellaneous applications pending, if any, shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXV Additional Chief Metropolitan Magistrate at Hyderabad.
2. One CC to Sri Y. Bala Murali, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies

BS

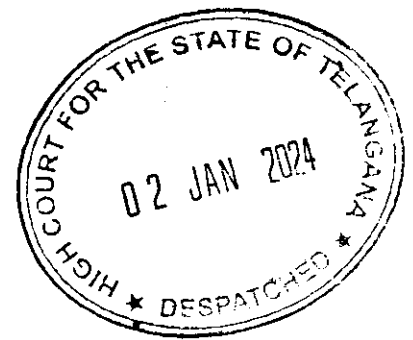
BSR

HIGH COURT

DATED:08/11/2023

ORDER

CRLP.No.611 of 2019



DISPOSING OF THE CRIMINAL PETITION

7
26/12/23
BSR