

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1054 OF 2023

Between:

1. Mirza Reyyan Ali Baig @ Zeeshan Mirza, S/o. Mirza Azmath Ali Baig, Aged about 22 years, Occ. Student, B.Com, R/o. H.No. 3-6-15, Adharshanagar, Karimnagar, 7981311658.
2. Mohammed Ashraf Pasha, S/o. Gouseddin, Aged about 21 years, Muslim, Occ. B. Tech Student, Chaitanya College, R/o. H.No. 6-2-921/3, Hussainipura, Karimnagar 9121329500.
3. Mohd. Abdul Sameer, S/o. Abdul Saleem, Aged about 20 years, Occ. Degree Student, R/o. 10-41, Razvi Chaman, Bommakal Village, Karimnagar. 8074616082.

...PETITIONERS/ ACCUSED 1-3

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court For the State of Telangana at Hyderabad.
2. The Station House Officer, P.S Karimnagar Rural, Karimnagar District. Represented by Public Prosecutor. HC of TS, Hyderabad.

...RESPONDENTS

3. Smt Shahnaz Sulthana, W/o Salauddin Aged. Major, Occ. Housewife, R/o. H.No 1030/A Road No 1, Razvi chaman, Bommakal Village Karimnagar District T. S

...RESPONDENTS/ 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 the Proceedings in C.C 156 of 2021 dt. 27.01.2021, on the file of the Court of the II Additional Junior Civil Judge Karimnagar and quash the same and pass such other order or orders in the light of justice, as it may deem fit and proper.

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 grant stay on all further proceedings including the dispense with of petitioner appearance in C.C No. 156 of 2021 is dt. 27.01.2021, on the file of the Court of the II Additional Junior Civil Judge Karimnagar, and quash the same and pass such other order or orders in the light of justice, as it may deem fit and proper.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s. RAVI ASSOCIATES, Advocate for the Petitioners and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 & 2 and None Appeared, for the Respondent No.3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1054 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 to 3 to quash the proceedings against them in C.C.No.156 of 2021 (arising out of Crime No.362 of 2020) pending on the file of II Additional Junior Civil Judge, Karimnagar. The offences alleged against the petitioners are under Sections 447, 324 and 506 read with Section 34 of Indian Penal Code.

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. In view of the aforesaid submission of the learned counsel for the petitioners, this Criminal Petition is disposed off with the following directions:

- i) The appearance of the petitioners – Accused Nos.2 and 3 is dispensed with in C.C.No.156 of 2021 (arising out of Crime No.362 of 2020) pending on the file of II Additional Junior Civil Judge, Karimnagar, when represented by their counsel on record.
- ii) The appearance of the petitioners is dispensed subject to filing an affidavit 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 appearance shall stand cancelled.
- iv) No such relief is granted as far as 1st petitioner – Accused No.1 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.

//TRUE COPY//

SD/- L. SIVA PARVATHI
ASSISTANT REGISTRAR
CJP
SECTION OFFICER

To,

1. The II Additional Junior Civil Judge, Karimnagar
2. The Station House Officer, Karimnagar Rural Police Station.
3. One CC to M/s. RAVI ASSOCIATES, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies
KAR

BSR

HIGH COURT

DATED:02/02/2023



ORDER

CRL.P.No.1054 of 2023

**DISPOSING OF THE CRLP
WITHOUT COSTS**

8
16/02/23
BSR