

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1235 OF 2023

Between:

Taluri Shiva Shankar, S/o Late Krishna Aged about 32 years, Occ. Private Employee, R/o Plot No. 6, Satyanarayana Colony, Anmgal, Hayathngar, Ranga Reddy District 501 505, T.S.

...PETITIONER/DEFACTO COMPLAINANT

AND

1. The State of Telangana, The Public Prosecutor, Representing The State of Telangana, The Station House Officer Hayathnagar.

...RESPONDENT

2. Gundala Sai Babu, S/o Late G Pullaiah Aged about 46 years, Occ: Builder, R/o Plot No. 15, Road, NO. 2. Satyanarayana Colony, Hayathnagar, Ranga Reddy District, T. S

...RESPONDENT/ACCUSED

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 FINAL REPORT. dated.10-05-2022, filed by P.S Hayathnagar in Cr.No.149 of 2021 On the file of the HonbleXXIV.A.M.M.Court,at.Hayathnagar.

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 direct the Respondent for further fair investigation in Cr. No . 149 / 2021 U/S. 378,379,425,426 I.P.C r/w 156(3) Cr.P.C on the file of the

Honble XXIV A.M.M., Hayathnagar, R.R.Dist Rachakonda, 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 S ROJA RAMANI , Advocate for the Petitioner and of the Additional Public Prosecutor 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.1235 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') by the petitioner/*de-facto* complainant to quash the final report filed in Crime No.149 of 2021 dated 10.05.2022 by the Hayathnagar Police reporting the case as 'civil in nature'.

02. Heard learned counsel for the petitioner/*de-facto* complainant as well as learned Assistant Public Prosecutor for respondent-State.

03. The petitioner herein is the complainant in Crime No.149 of 2021. The said crime was registered for the offences under Section 378, 379, 425, 426 of the Indian Penal Code. On the basis of private complaint that was filed, the police have completed the investigation and filed report under Section 173 of the Code of Criminal Procedure that the case is civil in nature. Aggrieved by the same, the petitioner is before this Court questioning the final report, which is referred as civil in nature.

04. In the event of police closing the complaint or filing report that no criminal offence is made out, the option left to the petitioner/*de-facto* complainant is to file protest application before the concerned Court and pray for taking cognizance against the respondent No.2/accused on the basis of evidence or statements that would be recorded by the concerned Magistrate.

05. Accordingly, the Criminal Petition is disposed of and in the event of filing an application for protest, the same shall be considered on merits by the concerned Magistrate.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/-T.JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The XXIV Additional Munsif Magistrate Court at Hayathnagar.
2. The Station House Officer Hayathnagar Police Station.
3. One CC to SRI. S ROJA RAMANI, Advocate. [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad.[OUT]
5. Two CD Copies

SB
Bsk

HIGH COURT

DATED:07/02/2023

ORDER

CRLP.No.1235 of 2023



DISPOSING OF THE CRLP WITHOUT COSTS

8 Copies

BKH
1/5/23