

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY ,THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2041 OF 2023 ALONG WITH

I.A.NO. 3 OF 2023

Between:

M. Laxman, S/o, M. Eshwaraiiah, Aged about 48 years, Occ. Business, R/o
H.No.2-1474, Papi Reddy Colony,1474, Chendanagar, Ranga Reddy,
500019.

...PETITIONER

AND

The State of Telangana, Rep by the Public Prosecutor, Through P.S.
Chandanagar

...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 proceedings against the Petitioners in C.C. No 6891/2022 on the file of IX Addl. Metropolitan Magistrate, Cyberabad, at Kukatpally, previously on the file of X Addl. Metropolitan Magistrate Cyberabad, at Kukatpally for the alleged offences 273, 188. 420 IPC and sec 20(2) COTPA Act

I.A. NO: 3 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 to return the property seized from the Petitioner in connection with C.C. No.6891 of 2022 on the file of IX Addl. Metropolitan Magistrate, Cyberabad. at Kukatpally, previously on the file of X Addl Metropolitan Magistrate Cyberabad. at Kukatpally, forwith immediately pending disposal of the Crl.P. in the interest of justice

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 stay all further proceedings including appearance of the Petitioners in C.C. No.6891/2022 on the file of IX Addl. Metropolitan Magistrate, Cyberabad, at Kukatpally, previously on the file of X Addl Metropolitan Magistrate Cyberabad, at Kukatpally, pending disposal of the CrI.P. in the interest of justice

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SRINIVAS REDDY BALAKISTI, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.2041 OF 2023**
ALONG WITH I.A.No.3 of 2023**COMMON ORDER:**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner to quash the proceedings in C.C.No.6891 of 2022 pending on the file of IX Additional Metropolitan Magistrate, Cyberabad at Kukatpally.

2. The petitioner herein is accused No.2 in the said case. The offences alleged against him are under Sections 188, 273 and 420 of Indian Penal Code (for short "IPC") and Sec.20(2) of COTPA Act, 2003.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent. Perused the record.

4. Perusal of the record would reveal that the */is* involved in this case had already been dealt with by this Court extensively vide

common order dated 05.07.2021 in Criminal Petition No.152 of 2020 and batch which was reported in ***Mohd. Jameel Ahmed v. State of Telangana***¹.

5. Therefore, this Criminal Petition is allowed quashing the proceedings against the petitioner in C.C.No.3774 of 2022 pending on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad, in terms of the common order, dated 05.07.2021 passed by this Court in **Mohd. Jameel Ahmed (Supra)**.

6. Since the charge sheet is already filed, the petitioner is at liberty to file an appropriate application before the concerned Magistrate for return of the seized property/vehicle and the Magistrate shall consider the same in accordance with law. However, it is made clear that if the seized stock of tobacco products or other products are expired, the same shall be destroyed by taking permission from the concerned Magistrate.

¹ 2022 CriLJ 642

7. The copy of the common order passed by this Court in Criminal Petition No.152 of 2020 and batch on 05.07.2021, shall form part of this order.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The IX Additional Metropolitan Magistrate, Cyberabad at Kukatpally
2. The X Additional Metropolitan Magistrate, Cyberabad
3. The Station House Officer, Chandanagar Police Station, Cyberabad
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI. SRINIVAS REDDY BALAKISTI, Advocate [OPUC]
6. Two CD Copies

VH



HIGH COURT

DATED: 28/02/2023

COMMON ORDER

CRLP.No.2041 of 2023
ALONG WITH
I.A.NO. 3 OF 2023



ALLOWING THE CRIMINAL
PETITION

(9) VLV
20/3/23