

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

**THURSDAY ,THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2137 OF 2023

Between:

1. Mohammad Ayoob Khan, S/o. Hussain, aged 28 years, occ. Business R/o. H No. 7-4-92, Kashmir gadda, Karimangar
2. Mohammad Shaheda Begum, W/o. Hussain, aged 44 years, occ. House wife R/o. H No. 1-23/C, Nampally, Karimangar
3. Syed Imthiyaz, S/o. Syed Sarwar, aged 27 years, Occ. Business R/o. H No. 9-4-502, Saptagiri Colony, Karimnagar

...PETITIONERS/ACCUSED No.1, 4 & 5

AND

1. The State of Telangana, Through SHO, Vemulawada (T) Police Station Rajanna Sircilla District Rep. by Public Prosecutor High Court at Hyderabad for the State of Telangana
2. Ganachari Shiva Kumar, 2S/o. Raj Kumar, Aged 45 years, occ. Building contractor R/o. Sultan Bajar, Hyderabad

...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 in FIR No. 416 of 2022 on the file of the SHO, Vemulawada (T) PS, Rajanna Sircilla District against the petitioners/ accused no. 1, 4 and 5 and to pass such other order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

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 dispense with the filing of the certified copy of FIR No. 416/2022 on the file of the SHO, Vemulawada (T) PS, Rajanna Sircilla District.

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 in FIR No. 416 of 2022 on the file of the SHO, Vemulawada (T) PS, Rajanna Sircilla District including the arrest of the petitioners/ accused no. 1 to 5, pending disposal of the above criminal petition, and pass such other order or orders as this Hon'ble Court may deemed fit and proper in the 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 Penuballi Ramesh Babu, 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.2137 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 petitioner-Accused Nos.1, 4 and 5 to quash the proceedings against them in FIR No.416 of 2022 pending on the file of Station House Officer, Vemulawada Police Station, Rajanna Sircilla District, filed for the offences punishable under Sections 324, 290, 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 material on record.

3. This Court directed the police to follow the procedure prescribed under Section 41A of Cr.P.C vide order dated 09.02.2023 in Cri.P.No.1372 of 2023. Now the grievance of the petitioner is that police altered the offence from Section 324 to 326 of I.P.C. and two other accused were arrested and

remanded. As seen from the alteration memo, the victim was beaten with sticks and iron rods, and the police had altered the sections from 324 to 326 of I.P.C. In the event, if the petitioners apprehending arrest, petitioners are at liberty to file anticipatory bail.

Accordingly, the criminal petition is disposed of. No costs.

Miscellaneous applications pending, if any, shall stand closed.

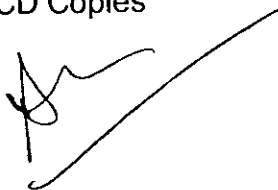
SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Vemulawada.
2. The Station House Officer, P.S. Vemulawada, Rajanna Sircilla District.
3. One CC to Sri Penuballi Ramesh Babu, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
gbr



HIGH COURT

DATED:02/03/2023



ORDER

CRL.P.No.2137 of 2023

**DISPOSING OF THE CRIMINAL PETITION
WITHOUT COSTS**

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REMA
029/4/2023