HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

Criminal Petition No. 3001 OF 2023

Between:

1. Syed Khaja Akberullah Hussain, S/o. Syed Raza Ali, Aged 43 years, Occ. CISF Constable, R/o. Qtr.No.81, CISF NISA Campus, Hakimpet, Hyderabad.
2. Syed Zulfekhar Ali, S/o. Syed Raza Ali, Aged 34 Years, Occ. Business, R/o. Qtr.No.21, Shanthi Nagar Police Lines, Masab Tank, Hyderabad.

...Petitioners/Accused Nos.1 & 2.

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad.
2. Altaf Ur Rahman, S/o. Mohd Aneef, Aged 39 years, Occ. Business, R/o. 10-2-287, Shanthi Nagar Police Lines, Nampally, Hyderabad.

...Respondents.

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 entire Proceedings against the Petitioners/Accused No. 1 and 2 in CC No. 1971 of 2022 pending on the file of the XII Additional Chief Metropolitan Magistrate Hyderabad.

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 Stay all further proceedings including the appearance of the Petitioners/ Accused No. 1 and 2 in CC No. 1971 of 2022 pending on the file of the XII Additional Chief Metropolitan Magistrate Hyderabad and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohd Muzaffer Ullah Khan, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or through his counsel.

The Court made the following: **ORDER**

4. Considering the submission of learned counsel for the petitioner; the Criminal Petition is disposed off with the following directions:

i) The attendance of the petitioner – accused No.1 is dispensed with in C.C.No.1971 of 2022 pending on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad, when represented by his counsel on record.

ii) The attendance of the petitioner is dispensed with subject to filing an affidavit by the petitioner stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and shall not dispute his identity also.

iii) However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the failure of the petitioner to appear when the Court directs, this order dispensing his attendance shall stand cancelled.

iv) No such relief is given as far as petitioner – accused No.2 is concerned.

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.3001 OF 2023

O R D E R :

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 and 2 to quash the proceedings against them in C.C.No.1971 of 2022 pending on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad. The offence alleged against them is punishable under Section 506 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner 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.

5. Needless to say, the petitioner is at liberty to file an application seeking discharge before the concerned Court. In the event of such application being made, if the charges are not framed, the concerned Court shall dispose it off on merits, within a period of four weeks from the date of filing, after hearing arguments on both sides.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate Hyderabad.
2. The Station House Officer, Nampally Police Station, Hyderabad.
3. One CC to Sri Mohd Muzaffer Ullah Khan, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court Buildings, Hyderabad (OUT).
5. Two CD Copies

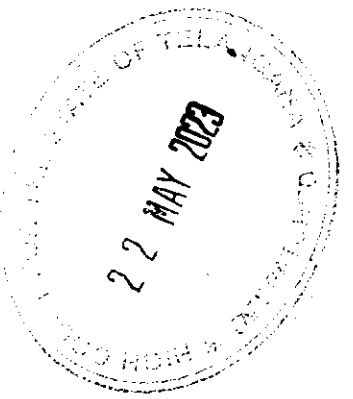
JCK

pr

HIGH COURT

KS,J

DATED:24/03/2023



ORDER

CRLP.No.3001 of 2023

Disposing of the Criminal Petition.

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29/4/23