

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NOS: 1757 AND 2213 OF 2019

CRL.P. NO.1757 OF 2019

Between:

Smt. Komma Annapurna @ Todupunuri Annapurna, Chepuri Annapurna, W/o. K.Suresh, aged about 42 years, Occ. BDL Employee R/o. H.No.6-5-438, MIG-II, Phase - I, Self Finance Colony, Vanasthalipuram, R. R. District.

...PETITIONER/ACCUSED No.2.

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court at Hyderabad.

..RESPONDENT.

2. N. Ravinder, S/o. N. Jagna. Aged about 39 years, Occ. Private Employee R/o. Plot No.281, Tirumala Nagar Almasguda, R. R. District.

...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 Crime No.941/2018 registered by SHO, Vanasthalipuram Police Station, Rachakonda Commissionerate.

I.A. NO: 1 OF 2019

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 of all further proceedings including arrest of the petitioner / accused No.2 in connection with Crime No.941/2018 registered by SHO, Vanasthalipuram Police Station, Rachakonda Commissionerate pending disposal of the above criminal petition.

CRL.P. NO.2213 OF 2019

Between:

Komma Suresh, S/o. Sri Komma Ram Rajeshwar, Aged about 48 years, Occ. Business, R/o. H.No.6-5-439, MIG-II, Phase -V, Self Finance Colony, Vanasthalipuram, R. R. District.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court at Hyderabad.

..Respondent

2. N. Ravinder, S/o. N. Jagna Aged about 39 years, Occ. Private Employee R/o. Plot No.281, Tirumala Nagar Almasguda, R. R. District.

...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 Crime No.941/2018 registered by SHO, Vanasthalipuram Police Station, Rachakonda Commissionerate.

I.A. NO: 1 OF 2019

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 of all further proceedings against A-1 in connection with Crime No.941/2018 registered by SHO, Vanasthalipuram Police Station, Rachakonda Commissionerate pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri CH DHANAMJAYA, Advocate for the Petitioner in both the Criminal Petitions and the Public Prosecutor on behalf of the Respondent No.1 in both the Criminal petitions.

The Court made the following **ORDER**:

THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION Nos.1757 and 2213 OF 2019

COMMON ORDER:

These Criminal Petitions are filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioners/accused Nos.1 and 2 to quash the proceedings against them in FIR No.941 of 2018 on the file of the P.S., Vanasthalipuram, Rachakonda, registered for the offences punishable under Sections 420, 506 and 509 of Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. Since the petitioners are arrayed as accused Nos.1 and 2 in the very same crime i.e. FIR No.941 of 2018 and both of them sought to quash the said proceedings against them, both the petitions are heard together and disposed off by way of common order.

3. The petitioners/wife and husband are questioning the crime which was registered on the file of

Vanasthalipuram Police Station, on the basis of a private complaint which was referred for the purpose of investigation by the Special Sessions Judge for trial of cases under SCs & STs (POA) Act. The learned Sessions Judge on 03.11.2018 has passed the following docket order:

“Heard the counsel for the complainant. Perused the complaint, documents filed along with complaint and other material on record. This court is of the opinion that the thorough investigation is required for just conclusion. Hence referred this complaint to the S.H.O Vanasthalipuram P.S. U/sec.156(3) Cr.P.C for investigation and report. Call on 03.12.2018”.

4. Learned counsel for the petitioners would submit that an affidavit is not filed in accordance with the guidelines of the Hon'ble Supreme Court in case of ***Priyanka Srivastava and another vs. State of Uttar Pradesh and others***¹. In accordance with the said judgment, the complainant ought to have approached the SHO and thereafter the Superintendent of Police, if

¹ (2015) 6 SCC 287

aggrieved by the action of the SHO for not taking action on the complaint.

5. The Hon'ble Supreme Court in **Babu Venkatesh vs. State Of Karnataka**² held that the concerned Court referring case for the purpose of investigation shall give reasons for the said referral.

6. As seen from the docket order, no reasons are given and further it does not appear that the learned Sessions Judge has noted about the facts of the case. Since the complaint was not given earlier to police and also affidavit was not filed while lodging the complaint, docket order is liable to be set aside.

7. Accordingly, both the Criminal Petitions are allowed and the proceedings against the petitioners – accused Nos.1 and 2 in FIR No.941 of 2018 on the file of the P.S., Vanasthalipuram, Rachakonda, are hereby quashed. However, this order will not preclude the complainant

² (2022) 5 SCC 639

from prosecuting the petitioners by following the due procedure.

Miscellaneous applications pending, if any, shall stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

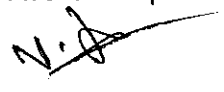
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SECTION OFFICER

To,

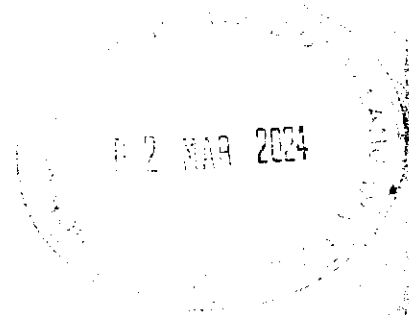
1. The VII Metropolitan Magistrate Cyberabad at Hayathnagar.
2. One CC to SRI. CH DHANAMJAYA Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telanagan at Hyderabad. [OPUC]
4. Two CD copies.

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NS



HIGH COURT

DATED: 29/0¹²/2023



COMMON ORDER

CRLP.Nos.1757 & 2213 of 2019

Both the Crl.Ps. are Allowed.

⑦ VW
20/2/24