

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO.11554 OF 2014

Between:

1. M.A Raheem @ Yaba, S/o. Late Md. Abdul Gaffar, Aged 45 years, Occ: Business, R/o H.No. 23-3-774, Sultan Shahi, Moghalpura, Hyderabad
2. Md. Abdul Khaisar, S/o Md. Abdul Raheem, Occ Business, R/o H.No. 23-3-774, Sultan Shahi, Moghalpura, Hyderabad

...PETITIONERS/ACCUSED-11 AND 12

AND

1. The State of Telangana, rep. by the Public Prosecutor, High Court at Hyderabad.
2. Sri P. Raghavendra, Sub Inspector of Police P.S. Moghalpura, Hyderabad

...RESPONDENTS/COMPLAINANTS

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 C.C. No. 271 of 2013 on the file of the Hon'ble XXIV Special Metropolitan Magistrate, Errum Manzil, Hyderabad against the Petitioner, in the interest of justice.

I.A. NO: 1 OF 2014(CRLPMP. NO: 11745 OF 2014)

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 in C.C. No. 271 of 2013 on the file of the Hon'ble XXIV Special Metropolitan Magistrate, Errum Manzi], Hyderabad 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 P. VAMSHEEDHAR REDDY, Advocate for the Petitioners and the Assistant Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.11554 OF 2014

ORDER:

This Criminal Petition is filed seeking to quash the proceedings against the petitioners herein in C.C.No.271 of 2013 on the file of the learned XXIV Special Metropolitan Magistrate, Errum Manzil, Hyderabad.

2. Heard the learned counsel for the petitioners/accused Nos.11 and 12 as well as the learned Assistant Public Prosecutor appearing for respondent-State. Perused the record.

3. The brief facts of the case are that on 05.08.2011 at 5:00 hours Sri P. Raghavender, Sub Inspector of Police, Police Station Moghalpura, Hyderabad while patrolling, received a credible information that a person by name Mohd. Refeeq Baig resident of Bandlauda, Chandrayangutta, Hyderabad was running a common gaming house in the premises of H.No.23-03-725, Sultan Shahi, which belongs to Md. Abdul Raheem by playing and organizing three cards which is a game of chance and collecting money from the punters for his personal profits. On searching the premises, they found 10 persons were playing three cards, on seeing the police one person fled away from the

spot by leaving cash and cards. At 3:00 hours police apprehended the accused persons.

4. Learned counsel for the petitioners would submit that petitioner No.1 herein who is arrayed as accused No.11 is the owner of the alleged property and petitioner No.2 herein who is arrayed as accused No.12 is the son of petitioner No.1, who used to collect the rent of the premises from accused No.1 as accused No.1 took the premises on rent. Apart from that, there is no whisper of any specific allegation against the petitioners attributing knowledge or participation into the alleged offence in order to be prosecuted for the offence under Section 3 and 4 of A.P. Gaming Act.

5. Learned counsel for the petitioners further submits that no prosecution is maintainable against the petitioners under Section 3 and 4 of A.P. Gaming Act. Therefore, continuation of proceedings against the petitioners is abuse of process of law. Hence seeks to allow the present criminal petition by quashing the proceedings against the petitioners in C.C.No.271 of 2013.

6. Learned Assistant Public Prosecutor appearing for respondent-State would submit that unless and until full-fledged trial is being conducted by examining the evidence and

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facts before it, the truth will not be elicited. Therefore, interference of this Court at this stage is unwarranted. Hence seeks to dismiss the criminal petition.

7. Recording the submissions made by the learned counsel for the petitioners as well as the learned Assistant Public Prosecutor appearing for respondent-State, this Court is of the opinion that it is for the petitioners to exonerate themselves by furnishing the appropriate evidence before the learned trial Court and upon examining it the learned trial Court shall take appropriate action. Therefore, this Court is not inclined to interfere with the trial before the learned trial Court.

8. Accordingly, this criminal petition is dismissed. However, the appearance of the petitioners herein is dispensed with unless and until, it is required by the trial Court

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXIV Special Metropolitan Magistrate, Errum Manzil, Hyderabad
2. The VIII Additional Chief Metropolitan Magistrate at Hyderabad.
3. The Station House Officer, Moghalpura Police Station, Hyderabad.
4. Sri P. Raghavendra, Sub Inspector of Police P.S. Moghalpura, Hyderabad
5. One CC to SRI P. VAMSHEEDHAR REDDY, Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

HIGH COURT

DATED:02/11/2023



ORDER

CRL.P.No.11554 of 2014

DISMISSING THE CRIMINAL PETITION

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29/12/2023