

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

**TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 10179 OF 2015

Between:

Sanjeev Kumar, S/o Raj Bahadur, Occ Service, H. No. 8-2-420/A, Road No. 4,
Banjara Hills, Hyderabad.

...Petitioner/Accused No.1

AND

1. The State Of Telangana rep .by Public Prosecutor, High Court, at Hyderabad.
2. Asheeth Raj Saxena, S/o. V.R Saxena, Business, Flat No. 303, Venkat Krupa Apartments, Street No. 16, Gaganmahal, 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 call for the records in relation to CC.No.472/2014 on the file of Illrd Additional Chief Metropolitan Magistrate, Hyderabad and quash the same.

I.A. NO: 2 OF 2015 CRLP MP. NO: 10205 OF 2015)

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 / accused in CC.No.472/2014 on the file of the Hon'ble III Additional Chief Metropolitan Magistrate, Hyderabad.

This Petition coming on for hearing, Upon Perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N KRISHNA SUMANTH, Advocate for the Petitioner and Sri VIZARARATH ALI, the Public Prosecutor, on behalf of the Respondent..No. 1, and Sri. DOMODAR MUNDRA, for the Respondent No.2, none appeared

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL PETITION No.10179 OF 2015

ORDER:

This criminal petition is filed seeking to call for records in C.C.No.472 of 2014 on the file of III Additional Chief Metropolitan Magistrate and quash the same.

2. Mr.Krishna Sumanth, learned counsel for the petitioner would submit that upon thorough investigation the respondent police had laid a final report under section 173 Cr.P.C. in Cr.No.460 of 2013 on the file of Banjara Hills Police Station vide SR.No.2609/2014 in C.C.No.472 of 2014 by referring that matter as 'civil in nature', upon which the defacto complainant by filing a protest petition and vide its order dated 31.7.2014 had taken cognizance of the offences under sections 420 and 120-B of IPC against the accused No.1 to 3 and issued summons to the accused on payment of process by the complainant. Aggrieved by the same, the present criminal petition is filed.

3. The learned counsel for the petitioner would submit that the defacto complainant has preferred a suit in O.S.No.412/2012 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad against accused herein, seeking mandatory and declaratory

injunction with regard to the schedule property in the said suit, wherein the deceased Iqbal Raj 1st defendant had deposed and to that extent he has cancelled the gift deed executed to the defacto complainant and that being the case nothing survives in the criminal proceedings and continuation of proceedings would ultimately lead to abuse of process of law and further submit that said suit was dismissed on merits on 26.8.2014 against which an appeal vide No.336/2014 was filed and it was also subsequently dismissed and hence the dispute between the defacto complainant and the petition has reached finality and continuation of proceedings would ultimately result in abuse of process of law.

4. Per contra the learned Assistant Public Prosecutor would submit that unless and until full-fledged trial has been conducted and evidence has been examined by the learned trial court based upon the depositions and material which are not been filed along with this criminal petition passing any orders at this premature stage is not warranted and hence seeks to dismiss this criminal petition.

5. Having regard to the submissions made by the learned counsel for the petitioner and learned Assistant Public Prosecutor

and upon perusing the material before this court since the petitioners are having the alternative remedy and without exhausting the same approached this court and this matter is pending from quite long time. Hence this court is inclined to grant liberty to the petitioners to work out remedies in accordance with law including filing of application under section 239 of Cr.P.C. for discharge. The presence of the petitioner is hereby dispensed with for each and every adjournment unless and until it is required by the learned trial court.

6. Accordingly this criminal petition is disposed of. As the matter is pending from quite long time, the learned trial Court is directed to conduct and conclude the trial within six months of the order of this court.

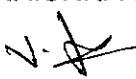
Miscellaneous Petitions, pending if any, shall stand closed.

**SD/- T. VIJAY KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, P.S. Banjara Hills, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State Of Telangana, at Hyderabad. [OUT]
4. One CC to Sri. N KRISHNA SUMANTH, Advocate [OPUC]
5. Two CD Copies 

ANV

HIGH COURT

DATED:21/12/2023



ORDER

CRLP.No.10179 of 2015

DISPOSING OF THE
CRIMINAL PETITION

⑧ VW
12/3/24

81
13/2

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