

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

**MONDAY THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 5291 OF 2018

Between:

1. CHAND SHAIK YASIN, R/o. H.No. IV-2-6, Krishna Nagar, Mand Mandal, Chittoor District.
2. Seelamsetti Nagaraju, R/o. H.No.9-115-17-E, Easwaramma Colony, Madanapalli Town, Chittoor District.
3. Tatiparthi Gopi, R/o. H.No.4-88-E7, Chalapathi Rao Colony, Madanapalli Town and Mandal, Chittoor District.
4. K.Uma Devi @ Uma Rani, Occ.House Wife, R/o. H.No.7-44, Singamvaripalli, Ramasamudram Mandal, Chittoor, District.
5. Pasupuleti Reddamma, Occ.Business, R/o. Madanapalli town and Mandal, Chittoor District.

...PETITIONER/ACCUSED NO.3,4,6,8 & 11

AND

1. STATE OF TELANGANA, Rep. by its Public prosecutor, High court of Judicature at Hyderabad For the state of Telnagana and the state of Andhra Pradesh.
2. Matta Venkateswarlu, R/o. Singarayapalem Village, Konijerla mandal, Khammam District.

...RESPONDENTS/DEFACTO - 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 CC.No.755 of 2017 on the file of the III Additional Judicial Magistrate of First Class at Khammam District.

I.A. NO: 2 OF 2018

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 the petitioners herein in CC.No.755 of 2017 on the file of the III Additional Judicial Magistrate of First Class at Khammam, Khammam District pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri GUTTAPALEM VIJAYA KUMAR ,Advocate for the Petitioner and the 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. 5291 OF 2018

ORDER:

The Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioners/ Accused No.3, 4, 5, 6, 8, & 11 to quash the proceedings in C.C.No.755 of 2017 on the file of the III Additional Judicial Magistrate of First Class at Khammam, registered for the offences under Sections 420 IPC r/w 120-B of Indian Penal Code and sections 19(a) and 21 of Seeds Act, 1966.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The petition is filed seeking to quash the proceedings against the petitioners/accused, who is arrayed as Accused No. 3, 4, 5, 6, 8, & 11 for the offences under Sections 420 IPC r/w 120-B of Indian Penal Code and sections 19(a) and 21 of Seeds Act, 1966.

4. This complaint was filed on the basis of the statement of the farmers stating that these petitioners along with others have induced the farmers into buying spurious seeds. The said seeds were purchased, resulting in heavy losses to the farmers.
5. Learned counsel for the petitioners would submit that petitioners are controller in APSRTC and it cannot be said that they have anything to do with inducing of the other accused for selling seeds.
6. The case is circumstantial in nature and when it is specifically stated by the farmers that these petitioners were also one of the persons, who had gone to the village and induced the farmers to buy spurious seeds, this Court under Section 482 Cr.P.C cannot decide the defence of the petitioners that they were not present along with the other accused. Nor the defence taken by the petitioners that they were only a partner and they have nothing to do with the affairs of the selling seeds. All the said aspects of the defence can be agitated before the trial Court.

7. The attendance of the petitioners- Accused Nos.3, 4, 5, 6, 8 & 11 are dispensed with subject to filing an affidavit by the petitioners stating that in their absence, the proceedings conducted by their counsel will not be disputed by them in any manner and shall not dispute their identity also. However, the petitioners-Accused Nos.3, 4, 5, 6, 8 & 11 shall appear before the learned Magistrate as and when their presence is required. In the event of failure of the petitioners to appear when the Court directs, this order dispensing with their attendance shall stand cancelled.

8. Accordingly, the Criminal Petition is disposed off. Needless to say, in the event of the petitioners filing an application seeking discharge if charges are not framed, the concerned Court shall dispose it of on merits within a period of four (04) weeks.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- C.PRAVEEN KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Judicial Magistrate of First Class at Khammam District
2. The Station House Officer, Konijerla Police Station,
3. One CC to SRI GUTTAPEM VIJAYA KUMAR Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR (TG), High court of Judicature at Hyderabad [OUT]
5. Two CD Copies

AA

NS

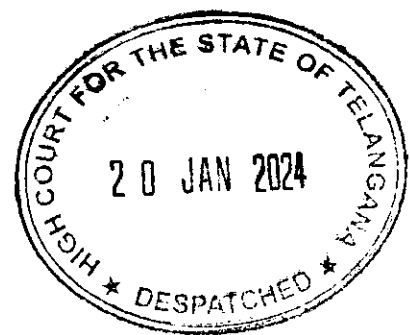
NS

HIGH COURT

DATED: 20/11/2023

ORDER

CRLP.No.5291 of 2018



**THE CRIMINAL PETITION
IS DISPOSED OFF**

8 copies

by

11/1/24