

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

THURSDAY ,THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 7368 OF 2014

Between:

Syed Ali Mirza Baig, @ Mirza Sayeed All Baig, S/o Mirza Lyakath All Baig, Aged 53 years, occ Religious Preacher Rio H.No. 3-6-14, Adarshnagar KARIMNAGAR

...PETITIONER/ACCUSED

AND

1. State of Telangana, rep by the Public Prosecutor, High Court at Hyderabad
2. Banda Bapu, S/o Rajalingu Aged 33 years, Occ: business R/o H.No. 3-37, Rajiv Colony Bhoodalapally (Village and Mandal) Karimnagar District

...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. 250 of 2013 on the file of the Honble Addl. Judicial First Class Magistrate, Karimnagar.

I.A. NO: 1 OF 2021

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 extend the interim stay granted in IA.No.1 of 2020 in Cr1.P.No.736B of 2014 dated 04.02.2020, pending before this High Court,

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 extend the interim stay granted in Cr1.P.No. 7368 of 2014 in IA.No. 1 of 2018 dated 23-08-2018 pending before this High Court, in the interest of justice.

I.A. NO: 3 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 extend the interim stay granted in Cr1.P.No. 7368 of 2014 in IA.No. 1 of 2018 dated 23-08-2018 and subsequently this Court was pleased to extend the stay in IA.No. 2 of 2018 on 12-10-2018 till 02-11-2018, pending before this High Court 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 Ms. Ratnamala, learned Counsel representing Sri P Vamsheedhar Reddy, Advocate for the Petitioner and the Sri Vizarith Ali, Asst. Public Prosecutor on behalf of the Respondent No.1 and of Sri Vettem Sai Krishna, Advocate for Respondent No.2 is not appeared.

The Court made the following: ORDER

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.7368 of 2014

ORDER:

The present Criminal Petition is filed under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.250 of 2013 on the file of the learned Additional Judicial Magistrate of First Class, Karimnagar.

2. Heard and perused the record.

3. The brief facts of the case are that the petitioner herein is a vehicle broker and respondent No.2 herein was in need of 'Innova' vehicle. On enquiry, respondent No.2 came to know that one Innova vehicle is available for sale with M/s Siddhi Auto Consultants. As such, he approached the said Auto Consultants with the petitioner and having been satisfied with the same, purchased vehicle No.AP 03 Q 4455 for an amount of Rs.7,30,000/-. The said amount was paid in three different instalments. Respondent No.2 also obtained loan to a tune of Rs.2,50,000/-. While so, on 01.07.2010, it is alleged that the petitioner herein spoke to respondent No.2 through phone and informed that the Police may approach him

stating that the vehicle is a stolen one for which, respondent No.2 need not to worry and that, the petitioner would manage. In the meantime, the Police from Bhoopalapalli came to respondent No.2 and informed that there is suspicion that the vehicle is a stolen one and as such, they would take it to show room at Hyderabad. Subsequently, the Circle Inspector of P.S. Bhoopalapally informed that it is not a stolen vehicle and asked respondent No.2 to bring it back from Hyderabad. When respondent No.2 went to Hyderabad, he found that the vehicle was parked in front of Langar House Police Station and the police informed that this a stolen vehicle and in the presence of respondent No.2, the police seized the vehicle and conducted panchanama. When respondent No.2 approached the petitioner, it is alleged that the petitioner assured that he would pay Rs.6,70,000/- but failed to do so. Hence respondent No.2 lodged a complaint against the petitioner.

4. Ms. Ratnamala, learned counsel representing Sri P.Vamsheedhar Reedy, learned counsel for the petitioner submitted that the petitioner is a vehicle broker, at the

request of respondent No.2 who intended to purchase Innova vehicle had approached M/s Sai Siddhi Auto Consultants and having satisfied with the same, respondent No.2 purchased the vehicle for Rs.7,30,000/- payable in different instalments and accordingly, certain amounts have been paid.

5. Learned counsel further submitted that the entire allegations made in the complaint disclose about the transactions between M/s Sai Siddhi Auto Consultants and respondent No.2. Except petitioner being a vehicle broker, he has got no business about the transactions conducted between M/s Sai Siddhi Auto Consultants and respondent No.2 and based on the false complaint lodged by respondent No.2, petitioner has been arrayed as accused and it is apparent that the said Auto Consultants has not been made as accused which itself would demonstrate that respondent No.2 has lodged the complaint on misconception. Hence seeks to allow the present criminal petition.

6. Learned Assistant Public Prosecutor appearing for respondent-State submitted that after thorough

investigation only, the Police have laid the charge sheet. Unless and until full-fledged trial is being conducted by examining the evidences and facts before it, the truth will not be elicited. Hence seeks to dismiss the criminal petition.

7. Having regard to the submissions made by both the learned counsel, since the charge sheet has already been laid, this criminal petition is dismissed granting liberty to the petitioner to work out the remedies as available under law. However, the appearance of the petitioner is dispensed with unless and until it is required by the trial Court.

Miscellaneous petitions, if any, pending in this criminal petition, shall also stand dismissed.

SD/-T. VIJAY KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Addl. Judicial First Class Magistrate, Karimnagar
2. The Station House Officer, Bhoopalapally Police Station, Karimnagar District.
3. One CC to Sri P. Vamsheedhar Reddy, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

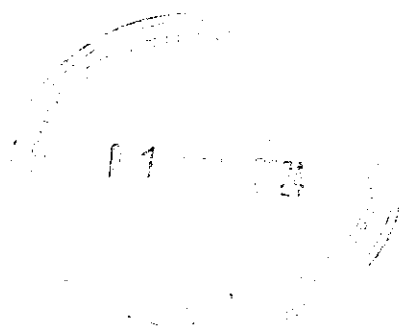
BJLB
MY

HIGH COURT

DATED:14/12/2023

ORDER

CRLP.No.7368 of 2014



CRIMINAL PETITION IS DISMISSED

⑧ VLW
20/2/24