

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.11321 OF 2023

Between:

Mohd.Afzal, S/o Late Mohd.Khaja Age: about 72 years, Occ: Nil, R/o. H.No. 18-8-239/93, Riyasath Nagar, Santosh Nagar, Hyderabad.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, represented by the Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Smt.Parveen Sulthana, W/o Mohd.Yousuf Patel, Age 62 years, Occ. Housewife R/o.H.No.18-7-358/39, Mohammed Nagar, Talabkatta, Hyderabad.

...RESPONDENTS

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 charge sheet and proceedings in C.C.No.309 of 2023 on the file of the Hon'ble IV Addl. Judicial Magistrate of First Class, Mahabubnagar as against the petitioner/Accused No.1.

I.A. NO: 1 OF 2023

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 petitioner/A-1 herein in C.C.No.309 of 2023 on the file of the Hon'ble IV Addl. Judicial Magistrate of First Class, Mahabubnagar.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. VENKATESH GUPTA, Advocate for the Petitioner and the Additional Public Prosecutor 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. 11321 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/A1 to quash the proceedings in CC.No.309 of 2023 on the file of IV Additional Judicial Magistrate of First Class, Mahabubnagar. The offences alleged against the petitioner are under Sections 420, 419, 467, 468 and 471 r/w.34 of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioner herein. They are triable issues. The petitioner has to face trial and prove his innocence. The defence taken by the petitioner cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in CC.No.309 of 2023 on the file of IV Additional Judicial Magistrate of First Class, Mahabubnagar, against the petitioner herein.

4. However, having regard to the facts and circumstances of the case, the attendance of the petitioner before the Court below is dispensed with subject to following directions:

i) The attendance of the petitioner is dispensed with in CC.No.309 of 2023 on the file of IV Additional Judicial Magistrate of First Class, Mahabubnagar, when represented by his counsel on record.

ii) The attendance of the petitioner is dispensed subject to filing an affidavit by the petitioner stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and shall not dispute his identity also.

iii) However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the petitioner's failure to appear when the Court directs, this order dispensing his attendance shall stand cancelled.

5. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

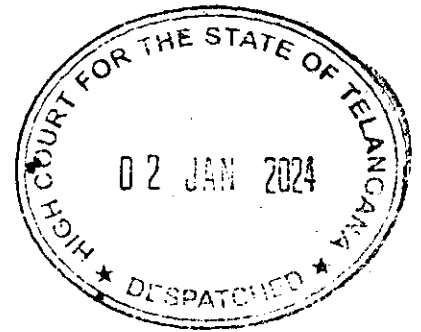
1. The IV Additional Judicial Magistrate of First Class, Mahabubnagar.
 2. The Station House Officer, Mahabubnagar Rural Police Station, Mahabubnagar District.
- Contd ---

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3. One CC to SRI K. VENKATESH GUPTA, Advocate [OPUC]
 4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
 5. Two CD Copies
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MP
GJP
pma

HIGH COURT

DATED:17/11/2023



ORDER

CRL.P.No.11321 of 2023

DISPOSING OF THE CRIMINAL PETITION

⑧ pna.
28/12/23