

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 12936 OF 2023

Between:

Syed Ahmed Amir Khan, S/o. Syed Akram Abbas Khan, Age- 45 years, Occ-
Business, R/o. H. No. 12-2-837, Asifnagar, Hyderabad, Telangana

...Petitioner/Accused No.1

AND

1. The State of Telangana, Represented by Station House Officer, Police Station
Asifnagar Through Public Prosecutor High Court for the State of Telangana At
Hyderabad. **...Respondent**

2. R. Sharda, D/o. Not known to Petitioner, Age- Not known to Petitioner, Occ-
Head Master's, Govt. Sardar Vallabh Bhai Patel High School, Asifnagar, At
Hyderabad.

...Respondent/De-facto 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 F.I.R. No. 457 of 2023 dated 22-12-2023 on
the file of the Police Station, Asifnagar and quash all the proceedings arising out
of F.I.R. No. 457 of 2023 dated 22-12-2023.

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 grant stay of all further proceedings pursuant to the F.I.R. No. 457
of 2023 dt. 22.12.2023 on the file of the Police Station, Asifnagar pending
disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of
Sri D. PRAKASH REDDY, Senior Counsel Representing Sri. VADEENDRA
JOSHI, Advocate for the Petitioner and the Public Prosecutor on behalf of the
Respondent No.2 and None Appeared for the Respondent No. 1

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI**CRIMINAL PETITION No.12936 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, who is arrayed as Accused No.1 to quash the proceedings against him in Crime No.457 of 2023 on the file of the Asifnagar Police Station, Rachakonda, for the offences punishable under Sections 448 and 427 read with Section 34 of I.P.C.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for respondent No.1 – State.
3. Mr.D.Prakash Reddy, learned Senior Counsel appearing on behalf of learned counsel for the petitioner submitted that the name of the petitioner was not mentioned in the FIR but his name appears in the remand report. Learned Senior Counsel further submitted that the petitioner has been implicated as accused only on the basis of confession of accused No.3. Learned Senior Counsel has drawn attention of this Court to the fact that there was a dispute before the Lokayukta with regard to the ownership of the building bearing No.12-2-837/4, Asif Nagar, Hyderabad and it was recorded that the Government has vacated the said premises in the year 2013. Learned Senior Counsel

submitted that when the property is already vacated, there is no question of any material lying for theft. He also relied upon the final order of this Court in Criminal Petition No.11974 of 2022 dated 03.01.2023 and sought similar relief to the petitioner herein.

4. Learned Assistant Public Prosecutor for respondent No.1 has opposed the same.

5. Having gone through the order dated 03.01.2023 and since the facts and circumstances in this case are similar, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.457 of 2023 on the file of the Asifnagar Police Station, Rachakonda, to conclude the investigation without taking any coercive steps against the petitioner herein/accused No.1 till the investigation is concluded. Further, the petitioner/accused No.1 shall cooperate with the Investigating Officer as and when required for the purpose of investigation.

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous Petitions, pending if any, shall stand closed.

**Sd/- C. PRAVEENKUMAR
ASSISTANT REGISTRAR**

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SECTION OFFICER

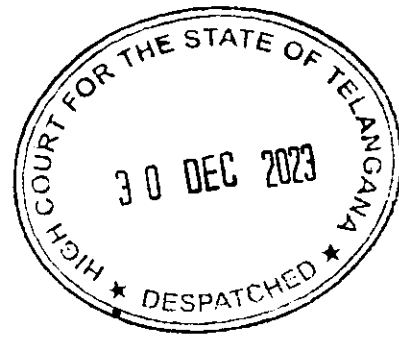
To,

1. The I Additional Chief Metropolitan Magistrate Hyderabad at Nampally.
2. The Station House Officer, Asifnagar Police Station, Hyderabad District.
3. Two Cc to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.
4. One CC to SRI. VADEENDRA JOSHI Advocate [OPUC]
5. Two CD Copies

PSR *[Signature]*

HIGH COURT

DATED:29/12/2023



ORDER

CRLP.No.12936 of 2023

DISPOSING OF THE CRIMINAL PETITION.

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30/12/23
JW