

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

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

**THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL**

**CRIMINAL PETITION NO: 11688 OF 2018**

**Between:**

1. Surishetti Srinivasulu, S/o. Sri Simmaiah, R/o Plot No 154, Vasari Colony, Saroor Nagar, Ranga Reddy District.
2. Surihetti Suresh Kumar, S/o Sri Simmaiah, R/o. Plot No 154, Vasari Colony, Saroor Nagar, Ranga Reddy District.

**...Petitioners  
(Accused No.1 & 2)**

**AND**

1. Konduru Srinivasulu, S/o. Lilngaiah, R/o H.No 10-184/2, Plot No 121, Balapur, Gayathri Homes, Gayathri Nagar, Jillelaguda, Racha Konda District.

**...Respondent/Complainant**

2. The State of Telangana, Represented by its Public Prosecutor, High Court at 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 quash all further proceedings against the petitioners in C.C. No. 4743 of 2018 on the file of the XI Metropolitan Magistrate at LB Nagar in the circumstances mentioned above to meet the ends of justice.

**I.A. NO: 1 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 of all further proceedings in CC No 4743 of 2018 of on the file of the XI Metropolitan Magistrate at LB Nagar pending disposal of the main case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P VAMSHEEDHAR REDDY, Advocate for the Petitioner, Public Prosecutor (TG/AP) on behalf of the Respondent No.2 and of Sri G. Venkat Reddy, Advocate for the Respondent No. 1

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL****CRIMINAL PETITION No.11688 OF 2018****ORDER:**

The present Criminal Petition is filed seeking to quash the proceedings against the petitioners/accused Nos.1 and 2 in C.C.No.4743 of 2018 on the file of the learned XI Metropolitan Magistrate, at L.B.Nagar (for short, "the trial Court") for the offences punishable under Sections.420 r/w 34 of I.P.C.

2. Heard Ms. Ratnamala, learned counsel representing Mr. P. Vamsheedhar Reddy, learned counsel for the petitioners and Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for respondent No.2 State. No representation on behalf of respondent No.1.

3. The brief facts of the case are that on 09.08.2018, respondent No.1/complainant filed a complaint against the petitioners/accused Nos.1 and 2 stating that the petitioners offered to sell their shares to the extent of 30% in a complex and respondent No.1 agreed to pay the total sale consideration of Rs.60,00,000/-. During November, 2017 respondent No.1 paid an amount of Rs.35,00,000/- to the petitioners and entered into Memorandum of Understanding. After some time, petitioners

entered into another MOU saying that they would return the amount of Rs.35,00,000/- within two months at the rate of 18% interest and take away the first MOU.

4. After some time, when respondent No.1 contacted the petitioners, they stated that they have already sold 30% of the shares and asked for remaining amount of Rs.25,00,000/- in lieu of sale transaction. Respondent No.1 agreed for the same and paid an amount of Rs.27,30,000/- on different dates through cheques. But, the petitioners neither registered the shares in the name of respondent No.1 nor returned the amount and dodged the matter on one pretext or the other. Aggrieved thereby, respondent No.1 filed the present complaint.

5. Learned counsel for the petitioners contended that the transaction between petitioners and respondent No.1 was in the nature of 'sale' and respondent No.1 ought to have filed a suit for specific performance to redress his grievance, rather than filing the complaint. Therefore, seeks to allow the Criminal Petition.

6. Learned Assistant Public Prosecutor submitted that trial has already commenced before the trial Court and the matter is posted for examination of witnesses on 04.12.2023. He further stated that only upon conducting a full-fledged trial, the real

truth would be elicited and the interference from this Court, at this stage, is unwarranted. Therefore, seeks to dismiss the Criminal Petition.

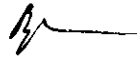
7. Having regard to the submissions made by both the learned counsel, this Court is of the view that the matter requires adjudication at length and only upon conducting a full-fledged trial, the real truth would be elicited. The petitioners filed the present Criminal Petition at a premature stage and the same is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed. Since the matter is pending for five years, the trial Court is directed to complete the trial, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of the order. The appearances of the petitioners before the trial Court is dispensed with unless and until required.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- P. PADMANABHA REDDY  
ASSISTANT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

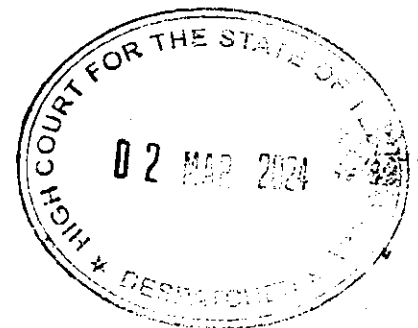
1. XI Metropolitan Magistrate at LB Nagar.
2. The SHO PS Saroonagar PS, Rachokonda.
3. One CC to SRI. P VAMSHEEDHAR REDDY Advocate [OPUC]
4. Two CC to Public Prosecutor, High Court for the State of Telangana, at Hyderabad.[OUT].
5. One CC to SRI. G VENKATA REDDY Advocate [OPUC]
6. Two CD Copies.

 GMS/kam

**HIGH COURT**

**DATED:24/11/2023**

**ORDER**



**CRLP.No.11688 of 2018**

**THE CRIMINAL PETITION IS DISMISSED.**

9  
20/2/24  
7/1/24