

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

TUESDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 12307 OF 2018

Between:

Pusala Ramesh, S/o. P. Seshaiyah, aged 28 years, Occ.Private Employee, R/o.
Flat No. 47, Road No. 7A, Sudarshan Nagar, Sherilingampally Mandal

...PETITIONER/ACCUSED

AND

1. The State of Telangana, rep.by S.H.O., Gachibowli P.S., Cyberabad through the
PUBLIC PROSECUTOR High Court of Hyderabad for the state of TS
2. Smt. Laxmi Sen, W/o. Devashish Ganguli, aged 27 years, Occ.Beautician, R/o,
Silver Diamond P.G, Madhapur, N/o. Goleti Township, Quarter No. Special D type-5,
Ballampally Area, Manchiryala District, Ph. No. 9618780687

...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 call for the records in C.O. No.50171.0 of 2018 on the file of the Court of the XXV Metropolitan Magistrate Kukatpally At Prashanti Nagar, in Crime No. 242 of 2018, Gachibowli P.S., Cyberabad, for the offence under section 354 of IPC and quash the same as it is abuse of process of law.

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 pursuant to the C.O No.501710 of 2018 on the file of the Court of the XXV Metropolitan Magistrate Kukatpally At Prashanti Nagar, pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAMANA ALLU, Advocate for the Petitioner and the Addl. Public Prosecutor on behalf of the Respondent No.1 and of Respondent No.2 is not appears in personal or by Advocate.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 12307 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/accused to quash the proceedings in C.C.No.501710 of 2018 on the file of the XXV Metropolitan Magistrate, Kukatpally at Prashanthi Nagar, registered for the offence punishable under Section 354 of Indian Penal Code (for short 'IPC').

2. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The case against the petitioner is that he called the *de facto* complainant, who is a Beautician. On 20.03.2018 the petitioner called her for doing facial as his marriage was near. Again on 21.03.2018 also the petitioner called her on phone for getting her to his house and he picked up her to

his house and there was no one in the house. When the *de facto* complainant expressed that there was no one in the house, the petitioner stated that there is nothing to worry. While doing facial, he abused her and asked her to remove legging and walk on his back. Further, the petitioner held her hands and tried to pull her in to the bedroom, for which reason she shouted and went away from there.

4. Learned counsel for the petitioner would submit that a false case was filed against the petitioner, only for the reason of the petitioner not paying the alleged charge amount of Rs.3400/- but only Rs.1500/- was given. Further, there are no other witnesses to the alleged incident. In the circumstances, the proceedings have to be quashed.

5. On the other hand learned Additional Public Prosecutor argued that the issues are triable issues and it is for the *de facto* complainant to state before the Court and on the basis of her statement, trial Court would decide.

6. Specific allegations are leveled against the petitioner alleging that he has misbehaved and his acts *prima facie* attract to an offence under Section 354 of Indian Penal Code. Calling her to the home, asking her to remove legging and walk on her back, catching hold of her hands and pulling her into bedroom are all events that are narrated by the *de facto* complainant.

7. This Court under Section 482 of Cr.P.C cannot decide the correctness or otherwise of the allegations made by the respondent No.2. There are no grounds to quash the proceedings against the petitioner.

8. Accordingly, this Criminal Petition is dismissed.

Miscellaneous applications pending, if any, in this criminal petition, shall stand closed.

SD/- N. CHANDRASEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXV Metropolitan Magistrate Kukatpally At Prashanti Nagar,
2. The Station House Officer, Gachibowli Police Station, Cyberabad.
3. One CC to Sri Ramana Allu, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

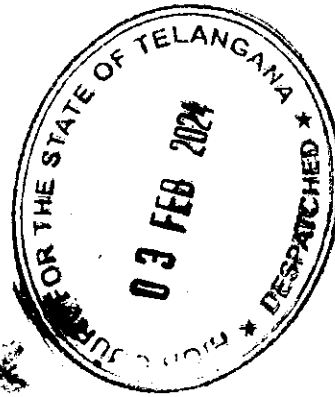
BJLB/JAK

HIGH COURT

DATED:05/12/2023

ORDER

CRLP.No.12307 of 2018



CRIMINAL PETITION IS DISMISSED

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24/1/24
AVV