

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

WEDNESDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 2370 OF 2019

Between:

M Shankar, S/o. Chinna Gangaram, Aged about 47 years, Occ.: Advocate,
R/o. H.No. 6-43/1, V.V. Nagar Backside Sai Baba Temple, Mubaraknagar,
Nizamabad

...Petitioner

AND

1. State of Telangana, Rep. by its Public Prosecutor High Court at Hyderabad
2. T Gangadhar, S/o. Late Rajaiah, Aged 61 years, Occ.: Advocate, R/o. H.No. 6-19-178, Gurbabadi Road Dubba, Nizamabad

...Respondent / Defacto 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 the proceedings in CC No. 433 of 2019 pending on the file of the Court of the I Additional Judicial Magistrate of First Class, Nizamabad, in the interest of justice.

I.A. NO: 1 OF 2019

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 in CC No. 433 of 2019 pending on the file of the Court of the I Additional Judicial Magistrate of First Class, Nizamabad including appearance of the Petitioner, 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 Mr K Durga Prasad, Advocate for the Petitioner and Smt S Madhavi, Assistant Public Prosecutor on behalf of the Respondent No. 1 and Sri S Vijaya Prashanth, Advocate for the Respondent No. 2.

The Court made the following Order :

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.2370 OF 2019

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') by petitioner-accused to quash the proceedings against him in C.C.No.433 of 2019 pending on the file of learned I Additional Judicial Magistrate of First Class, Nizamabad, (for short 'learned trial Court') registered for the offence under Section 500 of the Indian Penal Code (for short 'IPC').

02. Heard Sri K.Durga Prasad, learned counsel for petitioner and Smt.S.Madhavi, learned Assistant Public Prosecutor for the State-respondent No.1 as well as Sri S.Vijaya Prashanth, learned counsel for unofficial respondent No.2.

03. Learned counsel for petitioner submitted that the subject case has been falsely foisted by respondent No.2 against petitioner and that the learned trial Court vide

Docket Order dated 11.03.2019 directed to register the complaint against petitioner over petition filed by complainant, without giving any reason or detailed order, which is illegal and arbitrary. Therefore, he prayed this Court to quash the proceedings against petitioner accused by allowing this Criminal Petition.

04. Learned Assistant Public Prosecutor for the State as well as learned counsel for unofficial respondent No.2 submits that it is not a fit case to quash the proceedings against petitioner at this juncture and the matter is to be decided after conducting trial by the Court below and thereby, prayed to dismiss this Criminal Petition.

05. In view of submissions made by learned Assistant Public Prosecutor appearing for the State-respondent No.1, learned counsel for petitioner-accused requested this Court to dispense with the presence of petitioner and also sought for a liberty to file petition under Section 239 of Cr.P.C., before the learned trial Court.

06. Considering the above submissions made by both sides and in view of the facts and circumstances of the case and the request made by learned counsel for petitioner, this Court deems it appropriate to dispose of this Criminal Petition without going into merits and demerits of the factual aspects of the case by dispensing with the appearance/attendance of petitioner-accused before the concerned trial Court on each and every adjournment, unless petitioner's presence is required physically by the learned trial Court for a specific purpose, or at the time of examination under Section 313 of Cr.P.C., and on the date of pronouncement of Judgment, subject to the condition that petitioner is being represented by counsel on every date of hearing. If petitioner fail to appear physically before the learned trial Court as and when directed, the learned trial Court is at liberty to take necessary steps, strictly in accordance with law. Further, petitioner is at liberty to file petition under Section 239 of Cr.P.C., if he desire so. The learned trial Court shall not be influenced by any of the observations made in this Order, in any manner and shall dispose of the main case as

expeditiously as possible, in accordance with law. It is needless to mention that petitioner and unofficial respondent are at liberty to work out their legal remedies as available under law.

07. With the above directions, this Criminal Petition is disposed of.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-N.SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class, Nizamabad
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
3. One CC to Mr K Durga Prasad, Advocate [OPUC]
4. One CC to Sri S Vijaya Prashanth, Advocate [OPUC]
5. Two CD Copies

VA

Rj

HIGH COURT

DATED:31/07/2024

ORDER

CRLP.No.2370 of 2019



DISPOSING OF THE CRLP

⑧
19/10/24
[Signature]