

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION No: 4098 of 2020

Between:

1. Sirigiri Kishore Kumar, S/o. Shankar, Age: 40 years, Occ: Business, R/o. Sanjeevaiah Nagar, Sircilla, Rajanna Sircilla District
2. Perumandla Shekar, S/o. Ramesh, Age: 30 years, Occ: Private Employee, R/o. Sanjeevaiah Nagar, Sircilla, Rajanna Sircilla District
3. Sirigiri Prem Kumar, S/o. Shankar, Age: 27 years, Occ: Business, R/o. Sanjeevaiah Nagar, Sircilla, Rajanna Sircilla District
4. Perumandla Ramesh, S/o. Maisaiah, Age: 50 Years, Occ: Lorry Driver, R/o. Sanjeevaiah Nagar, Sircilla, Rajanna Sircilla District
5. Oraganti Sathish, S/o. Devaiah, Age: 26 years, Occ: Barber, R/o. Marthanpet Village, Konaraopet Mandal, Rajanna Sircilla District

...Petitioners/Accused No.1 to 5

AND

1. The State of Telangana, through S.H.O., P.S. Sircilla, Rajanna Sircilla District, represented by Public Prosecutor, High Court at Hyderabad

...Respondent

2. Chowthapalli Ravinder, S/o. Lachalaiah, Age: 48 years, Occ: Business, R/o. Kondapur Village of Konaraopet Mandal, Rajanna Sircilla District

...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 chargesheet in C.C.No.337 of 2020 on the file of Hon'ble Judicial First Class Magistrate, at Sircilla.

I.A. NO: 1 OF 2020

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 including appearance of the

petitioners/Accused No's 1 to 5, in C.C.No.337 of 2020, on the file of Hon'ble Judicial First Class Magistrate, at Sircilla.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. VENUMADHAV, Advocate for the Petitioners and the Sri SYED YASAR MAMOON, Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri M. RAMMOHAN REDDY, Advocate for the Respondent No.2.

The Court made the following: **ORDER**

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.4098 OF 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') by petitioners-accused Nos.1 to 5 to quash the proceedings against them in C.C.No.337 of 2020 pending on the file of learned Judicial First Class Magistrate at Sircilla, registered for the offences under Sections 143, 447, 427, 504, 506 read with Section 149 of the Indian Penal Code (for short 'IPC').

02. Heard Sri K.Venumadhav, learned counsel for petitioners and Sri M.Ram Mohan Reddy, learned counsel for unofficial respondent No.2 as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the State respondent No.1.

03. Learned counsel for petitioners submitted that the subject matter of this Criminal Petition is purely civil in nature and that the allegations levelled against petitioners

does not attract the offences alleged in the charge sheet and that the civil dispute has been given a colour of criminal case. Therefore, he prayed this Court to quash the proceedings against petitioners-accused by allowing this Criminal Petition.

04. Learned Assistant Public Prosecutor for the State submits that it is not a fit case to quash the proceedings against petitioners at this juncture and that 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 petitioners-accused requested this Court to dispense with the physical 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 petitioners, 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 petitioners-accused Nos.1 to 5 before the concerned trial Court on each and every adjournment, unless petitioners' physical presence is required 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 petitioners are being represented by their counsel on every date of hearing. If petitioners 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, petitioners are at liberty to file petition under Section 239 of Cr.P.C., if they 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 petitioners and unofficial respondent No.2 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.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Sircilla.
2. The Station House Officer, Sircilla Police Station, Rajanna Sircilla District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI K. VENUMADHAV, Advocate [OPUC]
5. One CC to SRI M. RAM MOHAN REDDY, Advocate [OPUC]
6. Two CD Copies

LSR/kam



HIGH COURT

DATED:22/07/2024

ORDER

CRLP.No.4098 of 2020



DISPOSING OF THE
CRIMINAL PETITION

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21/11/24
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