

IN THE HIGH COURT FOR THE STATE OF TELANGANA

TUESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 4768 OF 2020

Between:

Illuri Srinivas Gupta, S/o. Late Chenchiah, aged. 41 years, Occupation,
Private Employee, R/o H.No. 8-7/215/213, Tirumala Meadows Colony,
Hemanagar, Boduppal, Rachakonda District, Telangana

...Petitioner

AND

1. The Public Prosecutor (Telangana) and Another, The Honourable High Court of Telangana at Hyderabad, Hyderabad, Telangana.
2. Miss. Lunavath Kiranmai, D/o. Srinivas Gupta, Aged about 23 years, Occ. Student, R/o. H.No.3-10-79/2, Gokhalenagar, Ramanthapur, Uppal Mandal, Medchal Malkajgiri District.

...Respondents

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 CC.No.3373/2020 on the file of III Metropolitan Magistrate Cyberabad at LB Nagar.

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 proceeding in CC.No.3373/2020 on the file of III Metropolitan Magistrate Cyberabad at LB Nagar including appearance of the petitioner.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri S Lakshmi Kanth, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1 and of Sri Dokka Mohan Rao, Advocate for the Respondent No.2

The Court made the following Order:-

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION No.4768 OF 2020

ORDER:

The present Criminal Petition is filed seeking to quash the C.C.No.3373 of 2020 on the file of the learned III Metropolitan Magistrate, Cyberabad at L.B.Nagar (for short, "the trial Court").

2. Heard Mr. Nagendra, learned counsel representing Mr. S. Lakshmikanth, learned counsel for the petitioner and Ms. S. Madhavi, learned Assistant Public Prosecutor appearing for respondent No.1-State. No representation on behalf of respondent No.2. Perused the record.

3. The averments of the case are that on 14.02.1997 the mother of the *de-facto* complainant got married to her father Illari Srinivas @ Srinivas Nayak and during their conjugal life, they were blessed with two daughters. Later, her father married another woman. When they questioned about his second marriage, he beat them, due to which they lodged a case in Cr.No.41 of 2019 against Srinivas, for which, he threatened them with dire consequences.

Out of fear, they locked their house and went to Nalgonda. During the period of their absence, on 19.07.2020 Srinivas along with one Raju broke open the lock of their house and committed theft of certain documents. Basing on the complaint of the *de-facto* complainant, a case was registered in Cr.No.586 of 2020 of Rachakonda Police Station, Uppal, Hyderabad. After completion of investigation, charge sheet is filed against the accused A1 and A2 and the same was numbered as C.C.No.3373 of 2020 on the file of the learned trial Court. Aggrieved by the same, the present Criminal Petition is filed by the petitioner/accused No.1, seeking to quash the C.C.No.3373 of 2020 pending against him on the file of the learned trial Court.

4. Learned counsel for the petitioner by submitting a copy of the death certificate of one Lunavath Srinivas Nayak, issued by the Municipal Corporation of Hyderabad, submits that in fact the petitioner/accused No.1 is a different person and not the husband of the mother of the *de-facto* complainant. He further submits that the name of

the petitioner is Illuri Srinivas Gupta, whereas, his name is arrayed in the charge sheet as Illuri Srinivas, which is a mistake of identity and the petitioner has nothing to do with the present crime. He further vehemently submitted that the petitioner is not the husband of the *de-facto* complainant's mother. Therefore, continuation of the proceedings against the petitioner is nothing but abuse of process of law. He, therefore, seeks to allow the petition.

5. On the other hand, learned Assistant Public Prosecutor vehemently opposed the same and contended that unless and until a full-fledged trial is being conducted, the real truth cannot be elicited. Therefore, seeks to dismiss the Criminal Petition.

6. Having regard to the submissions made by the respective counsel and upon perusing the material available on record, as the matter is pending for quite a long time, this Court is of the opinion that the matter requires adjudication at length and the trial Court, after conducting a full-fledged trial and upon examining the oral and documentary evidence available on record, would pass

appropriate orders as expeditiously as possible. Therefore, this Court is not inclined to entertain the Criminal Petition at this stage.

7. Accordingly, the Criminal Petition is dismissed. However, the appearance of the petitioner before the trial Court, is dispensed with during the course of the impugned proceedings on all occasions, except as and when required by the trial Court.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Metropolitan Magistrate, Cyberabad at L.B. Nagar, Rangareddy District.
2. The Station House Officer, Uppa P.S., Rachakonda Commissionerate
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT].
4. One CC to SRI S Lakshmi Kanth, Advocate [OPUC]
5. One CC to SRI Dokka Mohan Rao, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:06/08/2024

ORDER

CRLP.No.4768 of 2020



DISMISSING THE CRLP

9 copies
for
attorney