

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 9057 OF 2024

Between:

S.L. Srinivasulu alias Srinivas, S/o, L. Laxmaiah, Aged about 46 years, Occ. Advocate, R/o.H.No.12-1-59, Lalapet, Secunderabad, Hyderabad district.

... Petitioner/Accused No.1

AND

The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana, High Court Premises, Hyderabad.

...Respondent

Petition under Section 528 of B.N.S.S. 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 C.C.No.277 of 2019 on the file of the Court of the X Additional Chief Metropolitan Magistrate at Secunderabad.

I.A. NO: 1 OF 2024

Petition under Section 528 of B.N.S.S. 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 petitioner in C.C.No.277 of 2019 on the file of the Court of the X Additional Chief Metropolitan Magistrate at Secunderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C Ruthwik Reddy, Advocate for the Petitioner and Sri E.Ganesh, Asst. Public Prosecutor (TG) on behalf of the Respondent state.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.9057 OF 2024

ORDER:

This Criminal Petition has been filed, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), by the petitioner/accused No.1 seeking to quash the proceedings initiated against him in C.C.No.227 of 2019 on the file of the X Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 332 and 341 read with Section 109 of the Indian Penal Code, 1860.

2. The backdrop of the instant case is that on 19.09.2018 at about 01.30 P.M. one Sri G.Naresh Kumar, PC-5352 of Lallaguda Police Station, as per the instructions of the Station House Officer, Lallaguda Police Station, lodged a complaint stating that he along with one Sri Suryanarayana, PC-9869 of Lallaguda Police Station, went to the Court Complex, Secunderabad, for executing non-bailable warrant (NBW) issued against Vanga Karthik, who is accused No.2 in Spl.S.C.No.46 of 2018 on the file of the VI Additional Metropolitan Sessions Judge, Secunderabad, and they apprehended the said accused No.2 near Adonai Emanueal Apartments, Kondareddy Street, West Marredpally,

Secunderabad, and while they executing the warrant against the said accused No.2, on telephonic information, the petitioner herein, who is an Advocate by profession, came there and restrained them from attending their lawful duty, so also, the petitioner attacked on the police constables and inflicted nail bites, resulting which, they sustained bleeding injuries. Thereby, the petitioner herein abetted accused No.2 to escape from the custody of the police constables.

3. The contention of the petitioner is that he is being an Advocate by profession and he was the counsel on record to accused No.2 in Spl.S.C.No.46 of 2018 on the file of the VI Additional Metropolitan Sessions Judge, Secunderabad, and that owing to non-appearance of the said accused No.2, the Court concerned had issued NBW against him for which the said accused No.2 filed recall application before the Court below and while the said accused No.2 was waiting in the Court hall for the orders of the Court below, when the said application was sent for check and put up, the *de facto* complainant came in a civil dress and called the said accused No.2 from the Court hall and he tried to take the said accused No.2 away from the Court and that on questioning of the petitioner, the said person revealed his identity

as police constable. Then, the petitioner informed the police constable about the filing of recall petition and informed the said constable that accused No.2 cannot be lifted from the Court premises even then also the police constable forcible taken accused No.2 along with them. With false and bald allegations, the said police constable lodged a complaint against him with an intention to harass him and that the police have filed charge sheet before the trial Court and the trial Court has taken cognizance in a routine manner.

4. Heard Mr.C.Damodar Reddy, learned Senior Counsel representing Mr.C.Ruthwik Reddy, learned counsel for the petitioner/accused No.1 and Mr.E.Ganesh, learned Assistant Public Prosecutor for the respondent-State.

5. Learned Senior Counsel appearing for the petitioner would submit that the petitioner was falsely implicated in this case by changing the scene of offence because he was defending accused No.2 as counsel in another case. Therefore, prayed for quash of the proceedings initiated against him in C.C.No.227 of 2019 on the file of the X Additional Chief Metropolitan Magistrate, Hyderabad.

6. On the other hand, the learned Assistant Public Prosecutor would submit that the allegations levelled against the petitioner are regarding assault against public servant and restraining police men from discharging their lawful duties, and the same being serious in nature, asserted that the matter requires trial. Therefore, prayed this Court to dismiss the petition.

7. Having regard to the rival submissions and on perusal of the record, the allegations against the petitioner herein are that he assaulted the police men when they tried to execute NBW against accused No.2 in Spl.S.C.No.46 of 2018 on the file of the VI Additional Metropolitan Sessions Judge, Secunderabad, and also restrained them from discharging their legitimate duties and that the petitioner being an Advocate helped accused No.2 to escape from the custody of the police. *Prima facie* the material allegations levelled against the petitioner shows that he aid accused No.2 and the offences with which he was charged are grave in nature which have impact on the society at large. The truth or otherwise would reveal only after full-fledged trial. Therefore, it cannot be said that the allegations are baseless and as per the complaint, on the date of incident, accused No.2 was

produced before the concerned police station as such at the threshold, the petition is devoid of merits.

8. In view of the above findings, this Criminal Petition is dismissed.

Pending Miscellaneous Applications, if any, shall stand closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Additional Chief Metropolitan Magistrate, at Secunderabad.
2. The Station House Officer, Marredpally, Hyderabad City.
3. One CC to Sri. C Ruthwik Reddy, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana. [OUT].
5. Two CD Copies.

YIR/eh

HIGH COURT

DATED:19/09/2024



ORDER

CRLP.No.9057 of 2024

**DISMISSING OF THE CRL.P.
NO COSTS.**

PA
28/10/24
Copies