

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

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

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 10965 OF 2023

Between:

Subhojit Bhattacharya, S/o. Sukumal Bhattacharya, Aged about 45 years, Occ
Private employment, R/o. Flat No. G-8 Outer Ring Heights Sree Sai Balaji Enclave,
Mallapet, Bachupally, Hyderabad

...PETITIONER/ACCUSED No.3

AND

1. The State of Telangana, (Banjara Hills PS) Rep.by its Public Prosecutor, High Court of Telangana.
2. Smt. Pammi Radhika, W/o. P. Venkata Ramana, Aged 43 years, Occ.
Housewife R/o. Flat No. 101 VSR Homes, Gayatri Nagar, Borabanda,
Hyderabad.

...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 quash all the proceedings against the petitioner/accused No.3 in SC No. 409/2017 on the file of the Hon'ble court of VII AMSJ at Nampally, Hyderabad in the interest of justice.

I.A. NO: 2 OF 2023

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 including the petitioner's appearance before the Honble VII Additional Sessions Court in SC No. 409/2017 in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Dr. H. C. Upadhyay, Advocate for the Petitioner and Sri S.Ganesh, Assistant Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA
CRIMINAL PETITION No.10965 of 2023

ORDER:

The present Criminal Petition is filed seeking to quash the proceedings against the petitioner/accused No.3 in S.C.No.409 of 2017 on the file of III Additional Chief Metropolitan Sessions Judge at Nampally, Hyderabad for the offences alleged under section 36(1) (g) of the Excise Act, 1968 registered by Police Station Banjara Hills, Hyderabad.

2. The brief facts of the case are that the petitioner, who is manager of TGI Fridays bar, Cinemax complex road No.2, Banjara Hills, Hyderabad has served alcohol to the accused Shravil and to his friends who were all under 21 years of age and thereby the management of TGI Fridays Bar and Restaurant violated the conditions of license and committed an offence punishable under section 36(1) (g) of A.P.Excise Act, 1968. Aggrieved by the same, this criminal petition is filed.

3. Heard Sri Dr.H.C.Upadhyay, learned counsel for the petitioner and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1 and perused the record.

4. Learned counsel for the petitioner would submit that this petitioner is also shown as accused in S.C.No.409 of 2017 wherein the allegations against accused No.1 is the driver of the crime

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vehicle and A2 is the owner of the crime vehicle and they are charged under section 304 Part-II, 326 IPC read with 109 of IPC, in Cr.No.528 of 2016. The allegation against this petitioner is that he is the manager of the TGI Fridays Bar and Restaurant and he served alcohol to the petitioner who is 21 years of age and the section alleged against this petitioner is 36(1) (g) of the Excise Act, 1968. According to section 36(1) (g) of the Excise Act, is a compoundable offence and the accused already paid fine and compounded the offence and even after compounding the offence, this petitioner is shown as accused No.3 in S.C.No.409 of 2017. As such, prayed this Court to quash the proceedings against this petitioner.

5. Learned Assistant Public Prosecutor would submit that initially his name is not mentioned in the charge sheet he was implicated in the case later and he is only manager of the bar and supplied the alcohol to the accused No.1, who is below 21 years of age.

6. On perusal of the record, the record shows that section 36(1) (g) of the Excise Act, 1968, is already compounded by the petitioner. Except that allegation there are no other allegations against this petitioner. Hence, proceedings against the petitioner/accused No.3 are liable to be quashed.

7. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner/accused No.3 in S.C.No.409 of 2017 on the file of III Additional Chief Metropolitan Sessions Judge at Nampally, Hyderabad are hereby quashed.

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

**SD/- C PRAVEEN KUMAR,
ASSISTANT REGISTRAR.**

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional Metropolitan Sessions Judge, Nampally.
2. The III Additional Chief Metropolitan Sessions Judge at Nampally, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
4. The Station House Officer, Banjara Hills Police Station, Hyderabad.
5. One CC to Dr. H. C. Upadhyay, Advocate [OPUC]
6. Two CD Copies

plp



HIGH COURT

DATED:02/07/2024

ORDER

CRLP.No.10965 of 2023



ALLOWING THE CRL.P.

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05/07/24
Drs