

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

MONDAY, THE FOURTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 12784 OF 2024

Between:

Nirudu Ramchander Rao, S/o Manemmayee Age 42 Years, Occupation Private Employee, Address H No. 8- 3- 169/1056, Habeeb Fathima Nagar, Phase- 2, Yousuf Guda, Ameerpet, Sanat Nagar 1E, Hyderabad, Telangana- 500016

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad.
2. B. Gopamma, W/o Mallesh, Age 53, Occ: House Wife, R/o H. No 8- 3- 169/1056, Habeeb Fathima Nagar, Phase- 2, Bora Banda, Hyderabad, Telangana- 500018

...Respondent/Complainants

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings of the C. C. No. 1049 OF 2024 on the file of the Honble III Addl Chief Metropolitan Magistrate At Nampally.

I.A. NO: 1 OF 2024

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 a stay of all further proceedings, including the dispensing the personal appearance of the Petitioner in C. C. No. 1049 OF 2024 on the file of the Honble III Addl Chief Metropolitan Magistrate At Nampally pending disposal of the above quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Dr. B Karthik Narayan, Advocate for the Petitioner and the Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

**THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**

**CRIMINAL PETITION No.12784 OF 2024**

**ORDER:**

The present Criminal Petition is filed questioning the order dated 11.03.2024 passed by the learned III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad (for short, "the trial Court") in C.C.No.1049 of 2024.

2. Heard Sri Dr. B. Karthik Narayan, learned counsel for petitioner, and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the first respondent-State. Perused the record.

3. Learned counsel appearing for the petitioner would strongly contend that it is a false case registered fraudulently and that the property in question is pertaining to one Ms. Maniamma on the strength of Form-D Patta Certificate vide document bearing No.F/4569/95 issued by none other than Revenue Divisional Officer, Hyderabad on 15.08.1995. Therefore, the question of trespass does not arise. He would further fairly admit that there is no progress in the investigation. However, he would seek indulgence of

this Court by contending that without there being establishment of possession over the property or the title deeds etc., a false case has been registered by the respondent/police. Hence, he would submit that it is nothing but abuse of process of law.

4. On the other hand, the learned Additional Public Prosecutor seeks to dismiss the petition and submits that unless full fledged trial is conducted, truth or otherwise of the offences levelled against the petitioner cannot be determined.

5. Having heard the learned counsel for the petitioner and learned Additional Public Prosecutor, the attendance of the petitioner-Accused is dispensed with in C.C.No.1049 of 2024 before the learned III Additional Chief Metropolitan Magistratem, Nampally, Hyderabad, when represented by his counsel on record. The attendance of the petitioner-accused is dispensed with subject to filing an affidavit by the petitioner stating that in his absence, the proceedings conducted by his counsel will not be disputed by him in any manner and shall not dispute his identity also. However, the

petitioner-accused shall appear before the learned Magistrate as and when his presence is required. In the event of failure of the petitioner to appear when the Court directs, this order dispensing with his attendance shall stand cancelled.

6. Accordingly, criminal petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- T. TIRUMALA DEVI  
ASSISTANT REGISTRAR

  
SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Borabanda Police Station, Hyderabad District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri B. Karthik Narayan, Advocate [OPUC]
5. **Two CD Copies**

DL/gh

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HIGH COURT

DATED:04/11/2024

ORDER

CRLP.No.12784 of 2024



CRIMINAL PETITION IS DISPOSED OF

(S) C. P. 12784  
S. M.  
29/1/25