

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 14119 OF 2024

Between:

1. Mr. Mohd Samiullah, S/o Late Md Hameed Ullah, Aged about 36 years, Occ. Tanker Driver, R/o H.No.19-3-539/1, Near Masjid-e-Akbaria, Ghazi Banda, Charminar, Hyderabad. (A-3)
2. Mr. Mohd Munawar, S/o Abdul Waheb Saab, Aged about 30 years, Occ. Tanker Driver, R/o 19-4-280/2/1/20/G/1, Nawab Saheb Kunta, Jahanuma, Falaknuma, Hyderabad. (A-5)
3. Mr. Mohd Nayeem, S/o Abdul Waheb Saab, Aged about 27 years, Occ. Tanker Driver, R/o 19-4-280/2/1/20/G/1, Nawab Saheb Kunta, Jahanuma, Falaknuma, Hyderabad. (A-22)
4. Mr. Mohd Muqtader, S/o Abdul Wahab Saab, Aged about 34 Years, Occ. Tanker Driver, R/o 19-4-280/2/1/20/G/1, Nawab Saheb Kunta, Jahanuma, Falaknuma, Hyderabad. (A-23)
5. Mr. Syed Irfan, S/o Late Syed Hameed Khan, Aged about 39 years, Occ. Tanker Driver, R/o H.No. 19-2-369/58/62/2 R T, Water Filter, Chandulal Baradari Colony, Charminar Hyderabad. (A-24)
6. Mr. Mohammed Jaffar, S/o Mohammed Nazeer, Aged about 34 years, Occ. Tanker Driver, R/o H.No. 19-3-743/6, Ghazi Banda, Shalibanda, Hyderabad. (A-25)
7. Mr. Ramesh Birader, S/o Late Ramma Rao, Aged about 50 years, Occ. Tanker Driver, R/o H.No. 19-2-180/33/A Mochi Colony, Kalapather, Hyderabad Present at H.No. 5-13/2 Sriram Colony, Jalpally, Balapur, Ranga Reddy District. (A-26)
8. Mr. Mohd Kaleem, S/o Late Mohd Saber, Aged about 53 years, Occ. Tanker Driver, R/o Plot No. 134, wadi-e-omer masjid, Shaheen Nagar, permanent address 19-4-279/B/ 100, Nawab Saheb Kunta, Jahanuma, Falaknuma. (A-27)
9. Mr. Khaja Choush, S/o Late Amrudh Choush, Aged about 51 Years, Occ. Tanker Driver, R/o H.No. 2-87, Jalpally, Rangareddy. (A-28)

...PETITIONERS/ACCUSED PERSONS

AND

1. The State of Telangana, Rept., by its Public Prosecutor, High Court, Hyderabad.

2. Sri P. Ravinder, S/o P. Narsimha, Aged about 26 years, Occ. Manager (Engg), Bahadurpura Section HMWSSB, Mir Alam Water Tank, Kalapathar, Bahadurpura, Hyderabad.

... DE-FACTO COMPLAINANT /RESPONDENTS

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 C.C No. 292 of 2022, on the file of the Court of Hon'ble Special Judicial First Class Magistrate for Excise Cases at Nampally, Hyderabad against petitioners herein, as abuse of process of law, to meet the ends of justice.

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 to stay all further proceedings in C.C No. 292 of 2022, on the file of the Court of Hon'ble Special Judicial First Class Magistrate for Excise Cases at Nampally, Hyderabad against petitioners herein, pending disposal of the criminal petition 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 Sri MIR MUKARRAM ALI , Advocate for the Petitioner and of the Addl. Public Prosecutor , for the state of Telangana on behalf of the Respondent No.1.

The Court made the following: ORDER:-

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.14119 of 2024

ORDER:

Petitioners, who are arrayed as accused Nos.3, 5 and 22 to 28, in C.C.No.292 of 2022 pending on the file of Special First Class Magistrate For Excise Cases at Nampally, Hyderabad, registered for the offences under Sections 409 and 420 r/w. 34 of IPC, are seeking to quash the proceedings against them.

2. Heard Mr. Mukarram Ali, learned counsel for petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the 1st respondent-State and perused the record.

3. Though the petition is filed for quashing the proceedings, during the course of arguments, learned counsel for the petitioners has restricted his prayer to the extent of dispensing with the presence of the petitioners/ accused Nos.3, 5 and 22 to 28 before the trial Court.

4. Hence, this petition is disposed of, dispensing with the appearance of the petitioners/accused Nos.3, 5 and 22 to 28 before the trial Court, unless their presence is specifically required during the course of trial, subject to the condition of petitioners/accused Nos.3, 5 and 22 to 28 being represented by their counsel on every date of hearing. All the petitioners are at liberty to move applications before the trial Court to discharge them from the above said offences, in which event, the trial Court shall dispose of the same on merits without being influenced by any of the observations made in this order.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Judicial First Class Magistrate for Excise Cases at Nampally, Hyderabad.
2. The Station House Officer, Police Station, Kalapathar, Hyderabad
3. One CC to SRI. MIR MUKARRAM ALI Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CD Copies.
VGS/gh

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HIGH COURT

DATED:22/11/2024

ORDER

CRLP.No.14119 of 2024



CRIMINAL PETITION IS DISPOSED OF.

8 Copies

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5/12/24