IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SIXTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 13732 OF 2025

Between:

1. Shaik Sajid, S/o Shaik Imam, Aged about 37 Years, Caste: Muslim, Occ: Hotel Business and State Treasurer in Popular Front of India, R/o. H.No.4-4-11/ 5, Islampura, Jagityal-505327 Cell No.8008820418
2. Shaik Shadulla, S/o Shaik Moinuddin, Aged about.32 years, Caste:Muslim, Occ: Automobile Shop Near SBI Bodhan Road, Nizamabad Popular Front of India (PFI) Dist. Secretary, R/o. H.No.3/120, Gundram. Village, Nizamabad-503186 Cell No.9000797735
3. Shaik Kashif, S/o Shaik Chand, Aged about 23 years, Caste: Muslim, Occ: Electrician and Member of PFI Nizamabad, R/o. H. No. 2-12-89, Gole Hanuman, Imli Mahal, Nizamabad-503001

...PETITIONERS/ACCUSED NO.1 TO 3

AND

1. The State of Telangana, Through S.H.O, P.S. Town-I, Nizamabad, Rep by its Public Prosecutor, High Court at Hyderabad.
2. Gandla Vittal, S/o Late Limbaiah, Aged about. 57 years, Caste: Padmashali, Occ: SIP Women PS, Attached to Collectorate, R/o. Bank Colony, P Pangra, Nizamabad.

...RESPONDENTS/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 criminal proceedings against the Accused Nos.1 to 3 in CC.No. 1042 of 2021 in Crime No. 314 of 2019, pending on the file of 1ST Additional Judicial First Class Magistrate at Nizamabad, for the offences u/sec. 353 r/w 34 of IPC

I.A. NO: 1 OF 2025

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 stay all further proceedings including appearance of the Petitioners/Accused Nos.1 to 3 herein CC.No. 1042 of 2021 in Crime No. 14 of 2024 on the file of PS Town-I Nizamabad, Nizamabad District, on file the 1st Additional Judicial First Class Magistrate at Nizamabad, for the offences U/Sec. 353 R/W 34 IPC

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MD JAMEEL AHMED, Advocate for the Petitioner and SMT S.MADHAV 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 HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.13732 OF 2025

ORDER:

This Criminal Petition is filed by the petitioners-accused Nos.1 to 3 seeking to quash the proceedings against them in C.C.No.1042 of 2021 on the file of learned I Additional Judicial Magistrate of First Class, Nizamabad, registered for the offence under Section 353 read with 34 I.P.C.

2. Heard Sri MD. Jameel Ahmed, learned counsel for the petitioners and Ms. S. Madhavi, learned Assistant Public Prosecutor for respondent No.1-State.

3. Learned counsel for the petitioners submitted that the allegations in the complaint do not attract the ingredients under Section 353 of I.P.C. and that the petitioners are falsely implicated in the present case. He, therefore, prayed to quash the proceedings in the present C.C. against the petitioners herein.

4. Learned Assistant Public Prosecutor submitted that the petitioners have intentionally obstructed the duties of a public servant and thus, the ingredients under Section 353 of I.P.C. very much attract against the petitioners herein. She, therefore, prayed to dismiss the Criminal Petition.

5. Perused the record.

6. The contents of the complaint do point out that on 19.08.2019 the *de facto* complainant, who is the Sub-Inspector of Police, was attending to his duties at Collectorate, Nizamabad, wherein, Prajavani programme was being conducted. There was huge crowd and there was a queue line for submitting the grievances of the public to the District Magistrate and Collector, Nizamabad. At about 13:30 hours, the petitioners came there and tried to gain ingress and move ahead in the queue line. Then the police officer, who is on duty i.e., *de facto* complainant, asked them to maintain the queue line. Then the petitioners have argued with him, abused him in filthy language, pushed him away, obstructed his legitimate duties and tried to move ahead in the queue line. Thus, there are specific allegations against the petitioners herein. A perusal of the Charge Sheet further reveals that LWs.3 and 4 are listed as eye-witnesses. The veracity of the witnesses and the truth or otherwise in the allegations need to be tested during the course of trial. Hence, in the facts and circumstances of the case, it is deemed appropriate to dispose of the Criminal Petition by dispensing with the attendance of the petitioners before the trial Court.

7. Accordingly, the Criminal Petition is disposed of dispensing with the attendance of the petitioners before the trial Court provided they are represented by a counsel before the trial Court on every date of hearing and shall appear before the trial Court whenever their presence is required during the course of trial.

Miscellaneous applications, if any, pending shall stand closed.

SD/- B.REKHA RANI
ASSISTANT REGISTRAR

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SECTION OFFICER

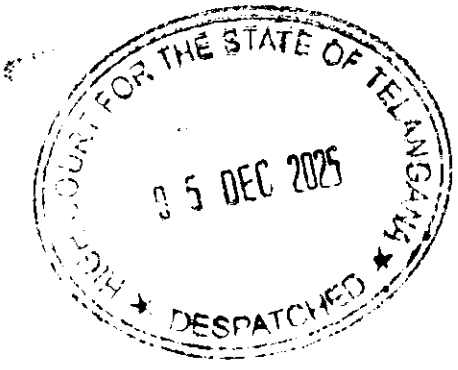
To,

1. The 1ST Additional Judicial First Class Magistrate at Nizamabad, Nizamabad District
2. The Station House Officer, Town I Nizamabad Police Station, Nizamabad, Nizamabad District
3. One CC to SRI MD JAMEEL AHMED Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

VM/PSL

HIGH COURT

DATED: 06/11/2025



ORDER
CRLP.No.13732 of 2025

DISPOSING THE CRIMINAL PETITION

(8) 26/11/25