

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 5933 OF 2023

Between:

1. N.K.V.Krishna,, S/o.Sri Vijay Kumar, Aged about 45 years, Occ. Business, R/o.Door No.27, Chellammal Street, Shenoy Nagar, Chennai - 600030, Tamilnadu.
2. K.Preethaa, W/o.N.K.V.Krishna, Aged about 48 years, Occ. Business Presently staying at Dubai on a visit, Permanent R/o.Door No.27, Chellammal Street, Shenoy Nagar, Chennai - 600030. Tamilnadu.
3. Eeranolla Lokeshwara, S/o.A.Muni Venkatappa, Aged 47 years, Occ. Employee, R/o.Bathavallam, Varadhaipalem, Chedulapakam, Chittoor District, Andhra Pradesh.
4. K.Badri Narayan Choudhary, S/o.late K.Lakshmi Narayan Choudhary. Aged 46 years, Occ. Business, R/o.B-2603, Bridgewood. House of Hiranandani, Egattur, Omr, Chennai - 600130.
5. Y.Ananda Giri, S/o.Y.Madhusudhana Reddy, Aged 47 years, Occ. Business, R/o.H.No.1-157, Govardhanapuram, Avanthi Road, Varadiahpalem, Chittoor District, Andhra Pradesh.
6. Jyothirmayee C., D/o.Radhakrishna Ananda Swarup Chundi, Aged 48 Years, Occ. Business. R/o. Campus 4, Kurinjalam, Varadiahpalem, Chittoor District, A.P.

...PETITIONERS/ACCUSED Nos.A-1 to 6

AND

1. State of Telangana,, Rep.by its Public Prosecutor. High Court, Hyderabad. Through P.S.Jeedimetla.
2. Venu S Yalamanchili,, S/o.late Radha Krishna Murthy, Aged about 53 years, Occ. Business, R/o.506, Jubilee Hills, Hyderabad.

...RESPONDENT

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 the C.C.No.492 of 2023 on the file of XII Additional Metropolitan Magistrate, R.R. District, as against the Petitioners /Accused Nos.1 to 6 herein.

I.A. NO: 1 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 grant interim stay of all further proceedings in C.C.No.492 of 2023 on the file of XII Additional Metropolitan Magistrate, R.R. District, including the appearance of the Petitioners/Accused 1 to 6 herein, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Kona N.D.V. Ramana Rao, Advocate for the Petitioners 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

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.5933 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioners-accused Nos.1 to 6 to quash the proceedings in C.C.No.492 of 2023 on the file of XII Additional Metropolitan Magistrate, R.R. District against them.

2. Heard learned counsel for petitioners and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1-State.

3. It is the contention of the learned counsel for the petitioners that basing on the report of respondent No.2, the case was registered against them for the offences under Sections 406, 420, 120-B r/w. 34 of IPC.

4. It is contended by the learned counsel for petitioners that the subject matter of complaint is purely civil in nature as it relates to development of land, and therefore, it is a fit case to quash the proceedings against the petitioners.

5. On the other hand, it is contended by the learned Assistant Public Prosecutor that it is not a case to quash the proceedings at this stage and the matter requires to be tried.

6. Taking into consideration the fact that there are no specific allegations against petitioner Nos.2 to 6/A-2 to A-6 and the allegations are only against petitioner No.1/A-1, this court is of the considered view that it is a fit case to dispense with the presence of petitioner No.2 to 6 during the course of trial.

7. Accordingly, the appearance/attendance of petitioner Nos.2 to 6 before the XII Additional Metropolitan Magistrate, R.R. District in C.C.No.492 of 2023 is dispensed with, unless their presence is required by the trial Court for a specific purpose or at the time of recording their examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment.

8. The Criminal Petition is accordingly disposed of.
Pending miscellaneous applications, if any, shall stand closed.

Sd/- B. CHANDRA PRAKASH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Metropolitan Magistrate, at Kukatpally, Ranga Reddy District
2. The Station House Officer, Jeedimetla Police Station, Jeedimetla, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [O/T]
4. One CC to Sri Kona N.D.V.Ramana Rao, Advocate [OPLC]
5. Two CD Copies

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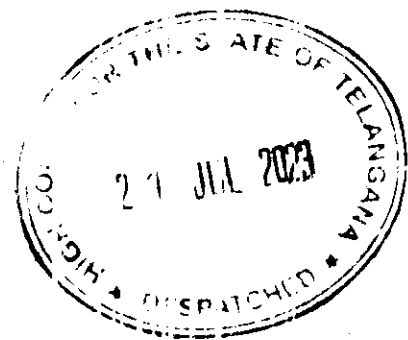
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HIGH COURT

DATED: 04/07/2023

ORDER

CRLP.No.5931 of 2023



DISPOSING OF THE CRL.P.

8 Copies

By
21/7/23