

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

**WEDNESDAY THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10617 OF 2022

Between:

1. Gowlikar Srinivas S/o. late Rajaram, Aged about 43 years, Occ. Agriculture R/o. Chinnathimmapur Village, Mulugu Mandal, Siddipet District, T.S.
2. Gowlikar Bansilal S/o. late Rajaram, Aged about 38 years, Occ. Agriculture R/o. Chinnathimmapur Village, Mulugu Mandal, Siddipet District, T.S.
3. Gundlapally Dasu Goud S/o. Sathya Goud, Aged about 27 years, Occ. Business, R/o. Chinnathimmapur Village, Mulugu Mandal, Siddipet District, T.S.
4. Chatlapally Komaraiah S/o. Mallaiah, Aged about 49 years, Occ. Business R/o. Chengicharla, Ghatkesar, Boduppal, Medchal Malkajgiri District, T.S.

...Petitioners/Accused No.1 to 4

AND

1. State of Telangana Represented by Public Prosecutor, High Court of Judicature
2. Kandadi Mahender Reddy S/o. K.Raji Reddy Aged about 43 years, Occ. Agriculture, R/o. Chinna Thimmapur Village, Mulugu Mandal, Siddipet District, now at Quthubullapur, Medchal Malkajgiri District

...Respondents

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 proceedings in C.C.No.1023 of 2018 U/Sec. 447, 427, 379 R/w. 34 IPC, on the file of the Honourable Additional Judicial First Class Magistrate at Gajwel.

I.A. NO: 1 OF 2022

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 dispense with the personal appearance of the petitioners/accused No.1 to 4 in C.C No.1023 of 2018 on the file of the Honourable Additional Judicial First Class Magistrate at Gajwel.

I.A. NO: 2 OF 2022

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 of all further proceedings in in C.C No.1023 of 2018 on the file of the Honourable Additional Judicial First Class Magistrate at Gajwel.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s. G. Uma Rani, Advocate for the Petitioner and the Additional 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 SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10617 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.1 to 4 seeking to quash the proceedings against them in C.C.No.1023 of 2018 pending on the file of learned Additional Judicial First Class Magistrate, Gajwel, registered for the offences under Sections 447, 427, 379 read with 34 of Indian Penal Code (for short "IPC") Act.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for respondent No.1-State. Perused the material on record.

3. A perusal of the record would reveal that the 2nd respondent-*de facto* complainant along with his family members were in peaceful possession of the schedule property. On 04.11.2017, the petitioner-accused No.1 and others up to 25 members criminally trespassed into the schedule property, damaged drip water pipe line and paddy crops, stolen bore well motor. In the charge sheet, *prima*

facie, there are certain allegations leveled against the petitioners herein. They are triable issues. The petitioners have to face trial and prove their innocence. The defence taken by the petitioners cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in C.C.No.1023 of 2018 pending on the file of learned Additional Judicial First Class Magistrate, Gajwel, against the petitioners herein.

4. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioners herein – Accused Nos.2 to 4 is dispensed with in C.C.No.1023 of 2018 pending on the file of learned Additional Judicial First Class Magistrate, Gajwel, when represented by their counsel on record. The attendance of the petitioners-Accused Nos.2 to 4 is dispensed with subject to filing an affidavit by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and also they shall not dispute their identity. However, the petitioners shall appear before the learned Magistrate as and when their presence is required. In the event of the

petitioners failure to appear when the Court directs, this order dispensing his attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- B SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate at Gajwel.
2. The Station House Officer, Mulgu Police Station, Siddipet District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to M/s. G. Uma Rani, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

KS,J

DATED:30/11/2022

ORDER

CRLP.No.10617 of 2022



THE CRIMINAL PETITION IS DISPOSED OF

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23/12/22