

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

THURSDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 3642 OF 2021

Between:

Smt K.Sujatha, W/o. K.Ashok, Aged 46 years, Occu. Housewife, R/o, 1-1-189/1, Vivek Nagar, Chikkadpally, Hyderabad.

...Petitioner/ Defacto-Complainant

AND

1. The Station House Officer, WCO Team V CCS, Hyderabad Rep by its Public Prosecutor, High Court of Telangana, Hyderabad.
2. G.Sriramulu, S/o. G.Maisaiah, Age 46 years, Occu. Business, R/o, 1-1-189/5/A, Vivek Nagar, Hyderabad.
3. G.Sreedevi, W/o.G.Sriramulu, Age 40 years, R/o. 1-1-189/5/A, Vivek Nagar, Hyderabad.
(R2 and R3 are not the necessary parties to this petition)

...Respondent/Complainants

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 order passed in CRLMP No.2907 of 2017 in Crime No.290 of 2015 in RC No.13/2019, Dated. 26/4/2019, by the XII Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad and allow the same.

I.A. NO: 1 OF 2021

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 CRLMP No.2907 of 2017 in Crime No.290 of 2015 in RC No.13/2019, Dated. 26/4/2019, by the XII Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G SURESH GOUD, Advocate for the Petitioner and the Sri M.Vivekananda Reddy, Assistant Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2 and 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3642 OF 2021

ORDER:

This Criminal Petition has been filed by the petitioner/*de-facto* complainant, aggrieved by the order dated 26.04.2019, passed by the XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, in CrI.M.P.No.2907 of 2017 in Crime No.290 of 2015 in R.C. No.13 of 2019.

2. Heard Mr.G.Suresh Goud, learned counsel for the petitioner and Mr.M.Vivekananda Reddy, learned Assistant Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioner submitted that the petitioner had filed a private complaint before the XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, against respondent No.2 and 3. The learned Magistrate referred the matter for investigation on 23.11.2015, under Section 156(3) of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'). The Investigating Officer, without properly conducting the investigation, filed final report on 05.10.2016, closing the complaint as "lack of evidence". Immediately thereafter, the petitioner filed protest petition in CrI.M.P.No.2907 of 2017, under Sections 190(1) read with 200 and 202 of the Cr.P.C. The learned Magistrate dismissed the said petition on 26.04.2019, on the ground of non-appearance of the petitioner. He

further submitted that the petitioner had been regularly appearing before the trial Court, but due to unavoidable circumstances, she could not represent the matter on 26.04.2019. The petitioner has good grounds to succeed in CrI.M.P.No.2907 of 2017, and unless the said order is set aside and recalled, granting liberty to the petitioner to prosecute the protest petition, she will be put to great hardship.

4. *Per contra*, learned Assistant Public Prosecutor submitted that the petitioner has not been prosecuting the petition bonafidely before the trial Court, and the trial Court rightly dismissed the petition.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that based on the private complaint filed by the petitioner, the learned Magistrate referred the matter to the police for investigation, on 23.11.2015, exercising the powers conferred under Section 156(3) of the Cr.P.C. Thereafter, the Investigating Officer filed a final report on 05.10.2016, closing the complaint as "lack of evidence". Subsequently, the petitioner filed a protest petition in CrI.M.P.No.2907 of 2017, which was dismissed on 26.04.2019, on the ground that the petitioner had not appeared before the trial Court. According to the learned counsel for the petitioner, petitioner had been appearing regularly before the trial Court,

and on 26.04.2019, due to unavoidable circumstances she could not appear before the trial Court.

6. Taking into consideration the peculiar facts and circumstances of the case, this Court is of the considered view that one opportunity should be granted to the petitioner to substantiate her grievance before the trial Court.

7. For the foregoing reasons, the impugned order dated 26.04.2019 passed in CrI.M.P.No.2907 of 2017 is set aside, and the learned XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, is directed to pass appropriate orders in accordance with law in CrI.M.P.No.2907 of 2017. It is made clear that whenever the matter is posted, the petitioner is directed to appear before the trial Court, along with her counsel, and shall cooperate with the trial Court without seeking undue adjournments.

8. Accordingly, the criminal petition is disposed of.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

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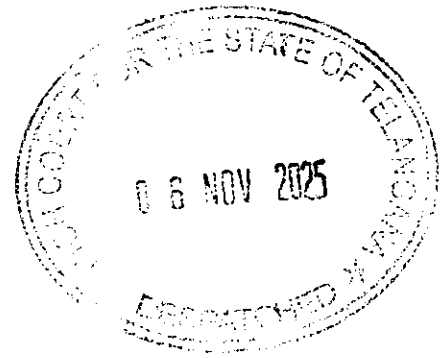
62
SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, WCO Team VCCS, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI G.SURESH GOUD, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED:30/10/2025



ORDER

CRLP.No.3642 of 2021

DISPOSING THE CRIMINAL PETITION

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kpl
6/11/25