

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 5949 OF 2025

Between:

Sri Jyanthi Narasimha Murthy, S/o Late Sri Durga Prasad Rao, Aged- 66Yrs,
Occupation- Postal Employee, R/o Bus Stand Centre, Jyanthi(V)
Veeztdapuda, Vijayawada, NTR District.

...PETITIONER/ACCUSED NO.7

AND

1. Smt. Thenneti Bhaskara kameshwari, W/o. Sri Surya Narayana Murthy, Aged- 44 Yrs, Occupation- Proprietor Surya Travels, Telecom Nagar, R/o. Villa No.39, Manjeera Purple Town, Gopanpalle Thanda, Gachibowli Hyderabad
2. State of Telangana, rep by its Public Prosecutor, High Court at Hyderabad

...RESPONDENT/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 proceedings against the Petitioner / Accused No.7 in CC No. 893 / 2022, pending on the file of XVI Metropolitan Magistrate at Rajender Nagar, Cyberabad.

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 against the Petitioner/ Accused 7 in CC No. 893 / 2022, pending on the file of XVI Metropolitan Magistrate at Rajender Nagar, Cyberabad, including appearance of the petitioner/accused No. 7.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri DURGA BHAVANI KONDASANI, Advocate for the Petitioner and SRI E. GANESH, the Assistant Public Prosecutor on behalf of respondent No. 1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.5949 OF 2025

ORDER :

This Criminal Petition is filed seeking to quash the proceedings against the petitioner/A7 in C.C.No.893 of 2022 pending on the file of XVI Additional Metropolitan Magistrate at Rajendranagar, Cyberabad, registered for the offences under Sections 408 and 420 of IPC.

2. Brief facts of the case are that on 27.10.2021 at 13.00 hours, one Smt.Thenneti Bhaskara Kameshwari, resident of Gopanpalli Thanda, Gachibowli, lodged complaint alleging that she is the proprietor of M/s.Surya Travels providing employee transportation cabs to corporate companies and software companies in Hyderabad and Vijayawada. It is also alleged that one Mr.Jayanthi Durga Prasad Rao, resident of Veerullapadu, Krishna District, Andhra Pradesh, was working as an accountant from 2016 onwards. He pretended to be a good person, worked with her till March, 2021. While so, taking advantage of his official position, said Durga Prasad Rao indulged in the activities of cheating, fraudulent withdrawal of money, creation of fictitious accounts and

transferred money in those accounts, thereby committed criminal breach of trust. The said fact has been revealed in the audit conducted by the company and the said misappropriation comes to a tune of Rs.3.00 Crores. The same has come to the knowledge of the *defacto* complainant upon conducting thorough audit. Hence, the complaint is filed seeking to take appropriate action against the accused.

3. When the matter has come up for consideration, learned counsel for the petitioner would submit that the petitioner is father of A1, who is arrayed as A7, had no knowledge about the crime and is not a party to the said transactions committed by A1, as alleged. The allegations of having received money by A7 is quite less and being the father of A1, A1 had to believe that the said sums have been transferred into the account by his son/A1 out of his legitimate earnings, as such, subjecting the petitioner to the tribulations of trial would amount to abuse of process of law, as such, sought for quashing the proceedings against the petitioner.

4. Opposing the said contentions, learned Assistant Public Prosecutor appearing on behalf of the State, would submit that the crime has been investigated and it revealed the involvement of A7, who is none other than the father of A1. He also submits that it is a matter of record that the said payments that have been received by A7 cannot be said to have been received with a bonafide belief where A1 has transferred huge sums of money. He would further submit that the facts and circumstances in a case can only be known upon conducting thorough trial to elicit the truth. Hence, seeks to dismiss the petition.

5. Having heard learned counsel for the petitioner, learned Assistant Public Prosecutor and upon perusal of the record placed before this Court, without going into the merits or demerits of the case, this Court deems it appropriate to grant liberty to the petitioner to file discharge application before the learned trial Court, raising the same contentions, which were raised herein. On such an application being filed, the concerned trial Court shall examine the application, obviously, on merits of the case, and pass appropriate orders, in accordance with law, as expeditiously as possible,

preferably, within a period of three months from the date of receipt of a copy of this order.

6. Since the learned counsel for the petitioner submits that the petitioner is aged 66 years, the appearance of the petitioner is dispensed with before the trial Court. However, the petitioner/A7 shall present before the trial Court as and when required, either in person or through an advocate, by filing an application in that regard. Failing to adhere to any of the conditions imposed by this Court, any relief granted by this Court, shall stand vacated automatically.

7. With the above direction, this Criminal Petition is disposed off. As a sequel, miscellaneous petitions, if any, pending, shall stand closed.

SD/- S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVI Metropolitan Magistrate at Rajender Nagar, Cyberabad.
2. The Station House Officer, Raidurgam Police Station, Cyberabad.
3. One CC to Sri Durga Bhavani Kondasani, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies

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18

HIGH COURT

DATED:14/07/2025

ORDER

CRLP.No.5949 of 2025



DISPOSING THE CRIMINAL PETITION

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