

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 5947 OF 2023

Between:

Mohd. Shafiu @ Sajid, S/o. Mohd. Shamsuddin, Age: 32 Yrs, Occ: Pvt Service,
R/o. H.No.12-1-982, Shareef Manzil, Feelkhana, Old Mallepally, Hyderabad.

...PETITIONER/ACCUSED NO.8

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court of Telangana, Through WPS, CCS, Hyderabad.
2. Shaik Aliya Sultan, W/o. Mohammed Kareemuddin A/a: 34 years, Occ: House Wife, R/o. H.No.11-3-19, Bharath Ground, Mallepally, Hyderabad.

...RESPONDENTS/COMPLAINANT

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 C.C No. 298 of 2017 pending on the file of the XIIIth Additional Chief Metropolitan Magistrate at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri. MIRZA SAFIULLA BAIG, Advocate for the Petitioner and the 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 T. MADHAVI DEVI

CRIMINAL PETITION No.5947 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner, who is arrayed as Accused to quash the proceedings against him as alleged in C.C.No.298 of 2017 on the file of the XIII Additional Chief Metropolitan Magistrate, at Hyderabad, for the alleged offences punishable under Sections 498(A), 506 r/w 34 IPC & Section 4 & 6 of D.P.Act.

2. In this case, notice has been taken out the petitioner by way of paper publication filed on 06.08.2023. A copy of the paper publication is also filed before this Court. However, there is no representation on behalf of the respondent No.2.

3. Learned counsel for the petitioner submitted that the petitioner is arrayed as Accused No.8 and was a student at the time of filing of the complaint and there are no specific allegations against him except alleging that he and other brothers instigated A1 to mis-treat the defacto complainant. Further, he has drawn the attention of this Court to the judgment passed by the Trial Court in C.C.No.638 of 2010 by order dated 09.10.2017 wherein except for A7 & A8, all the

accused were acquitted of the charges. It is stated that A3 has since died and hence his name was not mentioned in the judgment.

4. Heard the learned Assistant Public Prosecutor for respondent No.1 – State.

5. In view of the above submissions of the learned counsel for the petitioner and since there is no representation on behalf of the respondent No.2, this Court finds that there is no case made out against the petitioner herein even in the complaint or in the charge sheet. Therefore, the C.C.No.298 of 2017 on the file of the XIII Additional Chief Metropolitan Magistrate, at Hyderabad, against the petitioner herein is quashed.

6. Accordingly, the Criminal Petition is allowed.

7. Miscellaneous applications, if any pending, shall also stand closed.

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

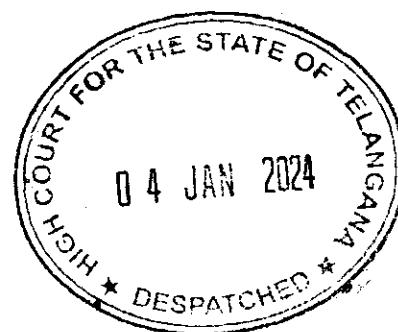
1. The XIII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer WPS CCS, Hyderabad District.
3. One CC to Sri. Mirza Safiulla Baig, Advocate [OPUC].
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CD Copies



HIGH COURT

DATED: 26/12/2023

ORDER



CRLP.No.5947 of 2023

CRIMINAL PETITION IS ALLOWED

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