

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

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 6976 OF 2020

Between:

Telanakula Subramanyam, S/o. Subbaiah Aged 50 years,
Occ: Business, R/o. Shivaraopeta, Bheemavaram.

...PETITIONER

AND

1. The State of Telangana, Rep By Public Prosecutor at High Court,
1-1-1.4,7A TAG PS Khammam III Town.
2. Shaik Shaheen Sulthana, W/o. Jani Miya, 31 years,
Occ: Housewife, R/o 3-5-174/1/13, Pumpingwell Road, Khammam.

...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 CC No. 4278/2019 on the file of Honourable III Additional Judicial Magistrate of First Class at Khammam.

I.A. NO: 1 OF 2020

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 including appearance of the petitioners pending disposal of the main criminal petition in C.C. No. 4278/2019 on the file of Honourable III Additional Judicial Magistrate of First Class at Khammam.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P.RAMA SHARANA SHARMA, Advocate for the Petitioner and Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for Respondent no.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.6976 OF 2020

DATE: 18-02-2026

Between:

Telanakula Subramanyam

... Petitioner

And

The State of Telangana,
Rep. by Public Prosecutor
at High Court,
PS Khammam III Town and another

... Respondents

ORDER:

This Criminal Petition is filed by the petitioner-accused seeking to quash the proceedings against him in C.C.No.4278 of 2019 on the file of learned III Additional Judicial Magistrate of First Class at Khammam, registered for the offence under Section 420 I.P.C.

2. Heard Sri P. Rama Sharana Sharma, learned counsel for the petitioner, Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1-State and Sri Kowturu Pavan Kumar, learned counsel for respondent No.2.

3. The case of the prosecution is that the husband of respondent No.2-*de facto* complainant supplied Mirchi to the petitioner; that the petitioner has taken the stock and sold away, but has not paid the amount of Rs.16,75,524/- for the stock supplied; and that when they proceeded to the address given by the petitioner, they could notice that he left the address, switched off his phone and is absconding.

4. Learned counsel for the petitioner submitted that the allegations do not point out the offence alleged against the petitioner; that there was partial payment made by the petitioner herein; and that at the best, the *de facto* complainant can file a Suit for recovery of money, but she has resorted to file the present criminal complaint, which is not just and proper. He further submitted that the ingredients of Section 420 I.P.C do not get attracted at all against the petitioner. He, therefore, prayed to quash the proceedings in the present C.C. against the petitioner herein.

5. Learned counsel for respondent No.2 has submitted that it is not only the issue of recovery of money, but the attitude of the petitioner in getting absconded is with a dishonest intention and thus, the ingredients of Section 420 I.P.C. do get attracted in this

case. He further submitted that the petitioner made the *de facto* complainant and her husband to believe his words and has taken the load of Mirchi, but has not paid the amount and further, has absconded from the given address. He, therefore, prayed to dismiss the Criminal Petition.

6. Perused the record.

7. The allegations do point out *prima facie* case against the petitioner that he has taken the stock from the husband of the *de facto* complainant, but has not paid for the same. The contention of the petitioner's counsel is that the ingredients of Section 420 I.P.C. do not get attracted against the petitioner. The said Section is extracted hereunder for the sake of reference:

"420. Cheating and dishonestly inducing delivery of property.- Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

8. A bare perusal of the complaint would reveal that the only allegation is that an amount of Rs.16,75,524/- is due from the

petitioner, however, it is alleged that apart from evading the payment, the petitioner has absconded from the given address and has further switched off the phone. Therefore, the contention of learned counsel for respondent No.2 is that the petitioner has a dishonest intention from the beginning and thus, he is absconding. The petitioner's counsel contends that there was part payment. These are triable issues. LW.3 is listed as an eye-witness, while LWs.4 to 6 are listed as circumstantial witnesses. Since there are triable issues, it is deemed appropriate to dispense with the attendance of the petitioner before the trial Court.

9. Accordingly, the Criminal Petition is disposed of dispensing with the attendance of the petitioner before the trial Court provided he is represented by a counsel before the trial Court on every date of hearing and shall appear before the trial Court whenever his presence is required during the course of trial.

Miscellaneous Petitions pending, if any, shall stand closed.

Sd/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Judicial First Class Magistrate at Khammam.
2. The Station House Officer, Khammam III Town Police Station.
3. One CC to SRI P RAMA SHARANA SHARMA. Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR, High Court Buildings, Hyderabad.
[OUT]
5. Two CD Copies.

 Chrk/pr

HIGH COURT

DATED: 18/02/2026

ORDER

CRLP.No.6976 of 2020



CRIMINAL PETITION IS DISPOSED OF.

(8)
M/Be
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