



2026:TSHC:348

HIGH COURT FOR THE STATE OF TELANGANA HYDERABAD**MAIN CASE No:Cr1.P.No.15082 of 2024****PROCEEDING SHEET**

SL. NO	DATE	ORDER	OFFICE NOTE
5.	13.03.2025	<u>JAK, J</u> This Criminal Petition is filed with the following relief: “... To call for the records and proceedings of this case i.e., C.C.No.987 of 2023 in Crime No.510 of 2023 from the Investigating Officer of the Hayathnagar Police Station and from the Hon’ble XIV Additional Metropolitan Magistrate Court, Ranga Reddy District at Hayathnagar, and after pursuing the same, quash the proceedings in FIR No.5610 of 2023 on the file of Hayathnagar Police Station, Hyderabad ...” F.I.R.No.510 of 2023 came to be registered on the complaint of respondent No.2-<i>de facto</i> complainant on 29.04.2023 under Section 353 of IPC. The facts in the complaint are that while respondent No.2 along with superior officers were conducting drunk and drive test at Information Colony X Road, Hayathnagar under the supervision of Vanasthalipuram Traffic Police, a bike bearing No.TS 11 EX 7673 was proceeding in a rash and negligent manner, the driver being in a drunken condition i.e., petitioner/accused. That when petitioner was asked to take the Breath Analyzer Test, he abused in filthy language, pushed Inspector (Nagarjuna) and picked up a quarrel and obstructed their legitimate duties. The incident was captured in the mobile phone of one Home Guard (Uday Kumar), who is the driver of the Inspector. Charge sheet is filed on 31.05.2023 under Section 353 of IPC. The contents of the complaint/FIR are in toto reflected in the charge sheet. No notice under Section 41-A Cr.P.C. was issued to the petitioner/accused. It is reflected in the charge sheet that the petitioner is sent to judicial remand. It is further reflected that his arrest	



SL. NO	DATE	ORDER	OFFICE NOTE
		particulars were informed to his brother under Section 50A Cr.P.C. That on 29.04.2023, petitioner was produced before the Court and was remanded for two (2) days. Learned counsel for petitioner/accused submitted that even in the complaint, it is stated that drunk and drive test was carried out. A copy of the readings obtained from Breath Analyzer Test have to be placed on record. But, no such details are forthcoming either in the complaint or in the charge sheet. Yet, the respondents concluded that the petitioner/accused in a drunken condition abused the police personnel on duty. It is further submitted that in the absence of any test result being placed on record, by merely recording or stating in the complaint that the accused was driving the vehicle in a drunken condition, amounts to a false accusation. It is also submitted that without even being given an opportunity, the petitioner/accused was produced before the concerned Court and sent to judicial remand for two days. It is submitted that the accusation that the petitioner drove the vehicle in a drunken condition without any test report is suffice to establish the fact that it is a frivolous case and it is only to implicate the petitioner, complaint is lodged. Hence, learned counsel for petitioner prayed to quash the proceedings in C.C.No.987 of 2023 on the file of XIV Additional Metropolitan Magistrate, Ranga Reddy District. On the other hand, learned Assistant Public Prosecutor appearing for the respondent – State submitted that petitioner/accused pushed the Inspector on duty. Said act amounts to obstructing the legitimate duty of the police personnel. That the petitioner/accused abused the police	



SL. NO	DATE	ORDER	OFFICE NOTE
		personnel in filthy language and drove the vehicle in a rash and negligent manner in a drunken condition and when asked for Breath Analyzer Test, he pushed the police personnel. Heard Mr. Lakkireddy Lokesh Reddy, learned counsel for petitioner/accused, and Mr. S. Prashanth, learned Assistant Public Prosecutor for respondent- State. On 29.04.2023 at about 2100 hours, the police personnel were conducting drunk and drive test at Information Colony, Hayathnagar, under the supervision of Vanasthalipuram Traffic Police. From the record, it is observed that petitioner/accused, while proceeding towards Hayathnagar on a bike bearing No.TS 11EX 7673 was stopped by the police personnel and that they tried to carry out a Breath Analyzer Test. It is also observed that an allegation is levelled against the petitioner that he was in a drunken condition and he picked up a quarrel by abusing in a most filthy language and obstructed the legitimate duty of the personnel and also pushed the Inspector. The Breath Analyzer reading indicates the corresponding blood alcohol level. The reading is crucial to determine whether a person is in a drunken condition or not. The readings are in milligrams (mg) per deciliter (dl). Whether Breath Analyzer Test is conducted or not is not forthcoming. In the absence of such test, an adverse inference can be drawn with regard to the allegation of drunken driving. The accusation that he pushed aside the Inspector of Police is supported by the statements of one Head Constable, one Home Guard and one Police Constable. Having considered the entire factual matrix of the case, this Court is of the opinion that petitioner/accused be	



SL. NO	DATE	ORDER	OFFICE NOTE
		directed to participate in the traffic management and be a part of “drunk and drive check” for one hour. Petitioner/accused shall report to the Hayathnagar Police Station, who in turn shall engage the petitioner for one hour from 9:00 A.M. to 10:00 A.M. in the morning for three consecutive days and from 5:00 P.M. to 6:00 P.M., in the evening for two consecutive days in managing/controlling the traffic along with the traffic police. On the day of drunk and drive test in the evening, he shall be present along with the police personnel attached to Hayathnagar Police Station who in turn will attach the petitioner with the police personnel who are on duty to check the drunk and drive citizens. The petitioner shall coordinate with the police and educate the riders/drivers about the consequences of driving vehicles a in drunken condition. The Inspector of Police, Hayathnagar Police Station, shall submit a report that the petitioner/accused has cooperated in the said community service on the next date of hearing. There shall be interim stay of all further proceedings in C.C.No.987 of 2023 on the file of XIV Additional Metropolitan Magistrate’s Court, Cyberabad, at Hayathnagar, till the next date of hearing. Post the matter on 03.04.2025. JAK, J KH	



2026:TSHC:348

SL. NO	DATE	ORDER	OFFICE NOTE