

THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
CRIMINAL PETITION NO: 17540 OF 2025

Between:

Gowtham Kapoor, S/o. Late. Ambika Prasad Kapoor

Petitioner/A1

AND

1. The State of Telangana, Rep. by the its Public Prosecutor, High Court at Hyderabad. (Through SHO, Borabanda, Hyderabad)
2. B.R. Rao, S/o. Late Srinivasa Rao, R/o. H.No.15, Sylvan Greens, J.J. Nagar, Yapral, Secunderabad

(died to the best of knowledge & information to the petitioner/A.4 and subject to verification by the Respondent No.1)

Respondents/De-facto Complainant

Petition under Section 528 of BNSS, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to quash the C.C.No.480 of 2016 on the file of XII Addl. Chief Metropolitan Magistrate at Hyderabad, as against the petitioner/A.1.

IA NO: 2 OF 2025

Petition under Section 528 of BNSS, praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to stay all further proceedings including appearance of the petitioner/A.1 in C.C.No.480 of 2016 on the file of XII Addl. Chief Metropolitan Magistrate at Hyderabad, pending disposal of CRLP 17540 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Mrs. DEVINENI RADHA RANI, Advocate for the Petitioner and PUBLIC PROSECUTOR for the Respondent No.1, the Court made the following.

ORDER:

Mr. Vinod Kumar Deshpande, learned Senior Counsel, representing Mrs. D. Radha Rani, learned counsel for the petitioner, submitted that respondent No.2, *de facto* complainant, filed a private complaint invoking the provisions of Section 200 of the Cr.P.C. against five accused persons

and thereafter, respondent No.2 has not pressed the complaint insofar as accused Nos.4 and 5 are concerned.

The learned Magistrate referred the matter for investigation under Section 156(3) of the Cr.P.C. The Investigating Officer, without taking into consideration the fact that respondent No.2 is not pressing the complaint against accused Nos.4 and 5, filed a final report against them along with the petitioner and accused Nos.2 and 3. The learned Magistrate has taken cognizance on 31.12.2016, especially there are no allegations in the final report to attract the ingredients for the offences under Sections 406, 417, 418, 420 and 422 of the IPC against the petitioner. Hence, the continuation of the proceedings in C.C.No.480 of 2016 against the petitioner is clear abuse of the process of law.

Learned Senior Counsel, basing upon the instructions furnished by the petitioner, submitted that respondent No.2 is no more.

Learned Additional Public Prosecutor is directed to get instructions.

Taking into consideration the above said submissions, this Court is of the considered view that the grounds, which were raised by the learned Senior Counsel for the petitioner, require detailed examination.

Therefore, there shall be interim stay of all further proceedings including the appearance of the petitioner/accused No.1 in C.C.No.480 of 2016 on the file of the XII Additional Chief Metropolitan Magistrate at Hyderabad, for a period of eight (8) weeks.

In the event of failure to file proof of service, the interim stay shall stand cancelled.

Post on 09.02.2026.

Handwritten signature
SD/-P.CH.NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

Handwritten signature
SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Police Station Borabanda, Hyderabad.
3. One CC to Mrs. DEVINENI RADHA RANI, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
5. One spare copy

HIGH COURT

JSR, J

DATED:23.12.2025

POST ON 09.02.2026

ORDER

CRLP.No.17540 of 2025

INTERIM STAY

