

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

THURSDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

**IA No. 1 OF 2024
IN
CRLP NO: 15133 OF 2024**

Between:

SRI.P.SRINIVAS RAO, S/O LATE SRI P HANUMANTH RAO

...Petitioner/Accused No.2

AND

1. The State of Telangana,, Rep.by the Public Prosecutor, High Court at Hyderabad.
2. The Station House Officer,, EOW Cyb (Cyberabad), Cyberabad Police Commissioner Office, Gachibowli, Hyderabad, Telangana.
Respondents/Complainant
3. Mir Abbas Ali Khan, S/o Late Nawab Mir Hashim Ali Khan,aged 44,
Occ. Landlord,R/o H.No.22-2-551, Darulshifa, Hyderabad
...Respondents/Defacto Complainant

**Counsel for the Petitioner : Sri Justice Naga Muthu, learned Senior
Counsel and Sri P.Venugopal, learned
Senior Counsel appearing on behalf of Sri
S.Malla Rao,**

Counsel for the Respondent No 1 & 2 :PUBLIC PROSECUTOR

Petition under Section 528 of BNSS praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in FIR.No.45 of 2024 dated 05.09.2024 of PS EOW Cyb (Cyberabad) Pending disposal of CRLP No. 15133 of 2024, on the file of the High Court.

The Court made the following
ORDER

**This application is filed by the petitioner/accused No.2 seeking
to stay all further proceedings against him in FIR No.45 of 2024 of P.S.**

EOW, Cyberabad, registered for the offences punishable under Sections 406, 420, 419, 467, 468, 471, 506 and 120-B of IPC.

Heard Sri Justice Naga Muthu, learned Senior Counsel and Sri P.Venugopal, learned Senior Counsel appearing on behalf of Sri S.Malla Rao, learned counsel for petitioner and Sri Palle Nageshwar Rao, learned Public Prosecutor appearing on behalf of the respondent-State.

Learned Senior Counsels appearing on behalf of petitioner submitted that on the very same set of allegations in the present crime, the father of respondent No.3 has filed a complaint in the year 2014 and the same was registered as a case in Crime No.305 of 2014 for the offences punishable under Sections 420, 468, 471 and 506 of IPC.

Learned Senior Counsels relied on the judgment of the Hon'ble Supreme Court in *T.T.Antony v. State of Kerala*¹, wherein, it is held that *"there can be no second FIR and consequently, there can be no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or incident giving rise to one or more cognizable offences"*. They further submit that the present crime is barred by Section 195(1)(b) of Cr.P.C.

However, the proceedings against the accused in Crime No.305 of 2014 were quashed by this Court on 28.01.2019 in CrI.P.Nos.6007 and 9501 of 2014, as the parties have settled the matter. Subsequent to the

¹ (2001) 6 SCC 181

death of respondent No.3's father, respondent No.3 has filed S.L.P. before the Hon'ble Supreme Court and same was dismissed by the Hon'ble Supreme Court on 15.03.2021, on the ground of delay. When the order, dated 28.01.2019 has attained finality, the same allegations cannot be re-opened by suppressing the factum of dismissal of S.L.P.

Learned Senior Counsels further submit that there are civil disputes between the parties. The father of respondent No.3 has filed a civil suit *vide* O.S.No.211 of 2017 before the trial Court seeking to set aside clauses (3) and (4) of compromise decree, dated 22.11.1973 passed in O.S.No.122 of 1973. The said suit was rejected on the ground of maintainability *vide* order, dated 03.06.2019.

Learned Senior Counsels further submit that in spite of failed attempt of respondent No.3's father, the 3rd respondent preferred O.S.No.69 of 2023 on the file of III Additional District Judge, Madhapur and the same is pending. The said fact is also suppressed in the present crime, which is blatant misuse of process of Law.

Learned Senior Counsels further submit that the petitioner is in no way concerned with the offences alleged and he is not made as a party to any of the above litigations. For the first time, in the present crime, it was mentioned about the petitioner herein. Hence, prayed to grant stay of all further proceedings against the petitioner herein.

Learned Public Prosecutor submitted that the offences alleged against the petitioner are serious in nature and the truth or otherwise of the allegations levelled against the petitioner can only be known after conducting fair investigation.

Having heard both sides and perused the material on record, it is apparent that on the very same set of allegations in FIR No.305 of 2014, the present crime was registered, which is contrary to the law laid down by the Hon'ble Supreme Court in *T.T.Antony's case (supra)*. The disputes between the parties appear to be predominantly civil in nature. Furthermore, the petitioner was not made as a party to any of the earlier litigations, he was not even arrayed as accused in Crime No.305 of 2014 and his name was only mentioned in the present crime for the first time.

In the said circumstances, there shall be stay of all further proceedings against the petitioner/accused No.2 in FIR No.45 of 2024 of P.S. EOW, Cyberabad, pending disposal of the criminal petition.

SD/- S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The principal Junior Civil Judge, CUM METROPOLITAN MAGISTRATE, RANGAREDDY DISTRICT, L.B.NAGAR, HYDERABAD
2. The Station House Officer, EOW Cyb (Cyberabad), Cyberabad Police Commissioner Office, Gachibowli, Hyderabad, Telangana.
3. Mir Abbas Ali Khan, S/o Late Nawab Mir Hashim Ali Khan, aged 44, Occ. Landlord, R/o H.No.22-2-551, Darulshifa, Hyderabad (By RPAD)
4. One CC to SRI S MALLA RAO, Advocate [OPUC]
5. Two CCs to SRI PUBLIC PROSECUTOR, High Court at Hyderabad [OPUC]
6. One spare copy

HIGH COURT

JSJ

DATED:12/12/2024

LIST ON 31.01.2025



ORDER

CRLP.No.15133 of 2024

STAY