

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.

@ SLP(CrI) No.8285/2021

MEEGADA VENKATAKRISHNA

APPELLANT(S)

VERSUS

**THE STATE OF ANDHRA PRADESH
(NOW TELANGANA) & ANR.**

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the appellant.
3. Though served, none is present for the respondent.
4. By way of present appeal, the appellant challenges judgment and order dated 05.03.2021 passed by the learned Single Judge of the High Court of Telangana, thereby rejecting the application filed by the appellant herein under Section 482 Cr.P.C. for quashing of the criminal proceedings.
5. The appellant herein has approached the High Court praying for quashing of the proceedings on the ground that the dispute was a family dispute between the appellant on the one side and his mother and sister on the other side.

It was also the contention on behalf of the appellant that though the dispute was purely of a civil nature, it was given a criminal colour only in order to harass the appellant herein.

6. The High Court has non-suited the appellant herein on the ground that the charge-sheet was filed and as such the application under Section 482 Cr.P.C. could not be decided.

7. It is a settled law, as has been held by this Court in the case of Joseph Salvaraj A v. State of Gujarat and Others, reported in (2011) 7 SCC 59, that merely filing of the charge-sheet cannot be a ground for non-suiting a party in a petition under Section 482 Cr.P.C. Whether the case is a fit case for quashing of the proceedings on the parameters laid down by this Court in various judgments is required to be examined by the Court, irrespective of filing of the charge-sheet or not. It is further to be noted that the charge-sheet came to be filed while an interim order granting stay of the proceedings was in operation.

8. On this short ground, we are inclined to allow this appeal. The impugned judgment and order is set aside and the Criminal Petition No.11700/2013 is restored to the file of the High Court. The High Court is requested to decide the said petition on its own merits, as expeditiously as possible.

9. The appeal is allowed, to the extent indicated above.

10. Needless to state that until further orders, the proceedings before the Trial Court shall stand stayed.

11. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(SANDEEP MEHTA)

NEW DELHI;
FEBRUARY 16, 2024

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8285/2021

(Arising out of impugned final judgment and order dated 05-03-2021 in CRLP No. 11700/2013 passed by the High Court for the State of Telangana at Hyderabad)

MEEGADA VENKATAKRISHNA

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH (NOW TELANGANA) & ANR. Respondent(s)

(IA No. 139477/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 139478/2021 - EXEMPTION FROM FILING O.T.)

Date : 16-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Krishna Kumar Singh, AOR
Mr. Yasashvi Choksey, Adv.
Ms. Aakannsha Sharma, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

(Signed order is placed on the file)