

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH**

CRIMINAL PETITION No.6569 of 2015

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Between :

Smt.Farhath Naheed W/o.Md.Abdul Rasheed
and another

... Petitioners/Accused Nos.2 and 3

AND

The State of Telangana
Rep. by its Public Prosecutor
and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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ORDER :

Heard learned counsel for the petitioners/A.2 and A.3 of C.C.No.55 of 2013 on the file of the XV Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A, 420 and 506 read with 34 IPC against them along with A.1, A.4 and A.5 of whom A.1 is the husband, A.2 and A.3/petitioners herein are in-laws of the 2nd respondent-*de facto* complainant, and also heard the 1st respondent-State represented by the Public Prosecutor and perused the material on record.

2. The facts fall short for this Court to admit the petition under Section 482 Cr.P.C. to quash the proceedings in C.C.No.55 of 2013. Hence, liberty is given to the petitioners to file an application under Section 239 Cr.P.C. before the learned Magistrate, if there are no grounds to frame charges under Section 240 Cr.P.C., the learned Magistrate there from to consider only from the prosecution material on own merits as laid down by the Apex Court in **State of Orissa v. Debendranath Padhi**^[1] and pass appropriate orders. Needless to say, as the 2nd petitioner/A.3 stated to be unable to move because of ill-

health, but for with assistance of wheel chair and the 1st petitioner/A.2 happens to be a woman saying not moving independently, remedy is left open to the accused apart from that if any application filed either under Section 205 Cr.P.C., the learned Magistrate shall permit them to represent one for other accused with necessary conditions including personal appearance as and when required.

3. Accordingly, the criminal petition is disposed of.

4. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

23rd July 2015.

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[\[1\]](#) (2005) 1 SCC 568