

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION No.254 OF 2017**

**ORDER:**

The present petition is filed under Section 482 Cr.P.C requesting to quash the proceedings in C.C.No.200 of 2016 on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad. The offence alleged against the petitioners herein is punishable under Section 498-A of IPC.

The parties are related. The 2<sup>nd</sup> respondent, who is the defacto-complainant, is no other than the wife of the 1<sup>st</sup> petitioner and daughter-in-law of the 2<sup>nd</sup> petitioner.

Heard Sri Mohammed Veqar Hussain, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana for the 1<sup>st</sup> respondent.

Learned counsel for the petitioners would submit that the 2<sup>nd</sup> petitioner is aged about 78 years and the marriage between the 1<sup>st</sup> petitioner and the 2<sup>nd</sup> respondent – defacto complainant had taken place about 32 years back and, at this belated stage, harassing the 2<sup>nd</sup> respondent by the petitioners does not arise. He further submits that since the demand of the 2<sup>nd</sup> respondent to keep the 2<sup>nd</sup> petitioner in an old age home as she cannot look after her, was not fulfilled by the 1<sup>st</sup> petitioner, the present complaint is foisted against the petitioners and, therefore, seeks quashment of the proceedings in the aforesaid C.C.

Learned Additional Public Prosecutor for the State of Telangana would oppose the request of the petitioners.

Perused the material papers filed along with the present petition. The charge sheet would show that during the course of investigation, the mother, son and daughter of the defacto complainant have given statements before the police under Section 161 Cr.P.C supporting the complaint averments. Though, learned counsel for the petitioners would submit that the son and daughter of the defacto-complainant have given affidavits supporting the petitioners' case and has pointed out such affidavits, which are filed along with the present petition, it is not for this Court to examine the affidavits and dispose of the present petition based on such affidavits. Further, as the son and daughter of the defacto complainant have earlier given statements before the police under Section 161 Cr.P.C during the course of investigation, truth or otherwise of the contents of the aforesaid affidavits can only be examined during trial. Hence, it cannot be said that there is no *prima facie* material to quash the proceedings in the aforesaid C.C.

The Criminal Petition is, therefore, dismissed. However, keeping in view, the fact that the 2<sup>nd</sup> petitioner is suffering from ailment and in view of the letter, dated 16.01.2015, of the Medical Officer, Care Hospital, Nampally, Hyderabad filed along with the present petition, showing that the 2<sup>nd</sup> petitioner was admitted in Care

Hospital, Nampally, Hyderabad on emergency basis for injury to left hip after slip and fall at home, her presence during trial of C.C.No.200 of 2016 is dispensed with. It is, however, made clear that she shall appear before the learned Magistrate as and when directed by the learned Magistrate.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

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**A. SHANKAR NARAYANA, J**

18<sup>th</sup> January, 2017  
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