

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1666 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner – sole accused in C.C.No.767 of 2016 on the file of XXIV Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, requesting to quash the proceedings in the aforesaid Calendar Case.

2. Respondent No.2 is the *de facto* complainant. On a complaint filed by her, investigation went on, which, ultimately, culminated into filing of charge sheet and the aforesaid Calendar Case. The petitioner is alleged to have committed the offences punishable under Section 498A I.P.C and Sections 3 and 4 of Dowry Prohibition Act.

3. Heard Sri A. Satish Babu, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioner has tendered elaborate arguments contending that the averments in the complaint and the statement under Section 161 Cr.P.C. of respondent No.2 do not reveal any offence being committed by the petitioner and, therefore, sought to quash the proceedings in the Calendar Case. He has also referred to certain details, which may, at the most, amount to admissions. Whether they would constitute material omissions or otherwise, are all the issues that are required to be resolved when the witnesses in the

Calendar Case are examined. Finally, learned counsel for the petitioner confines his request to direct the learned XXIV Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, to dispose of the present Calendar Case and C.C.No.1028 of 2015 on the file of IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, filed by the father of petitioner, in which, respondent No.2 herein is one of the accused, besides her brother and father, as early as possible.

5. The present Calendar Case is of the year 2016 and the volume of work on the file of XXIV Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, is not known. However, since the parties are one and the same i.e., complainant is one of the accused and vice versa, in both the Calendar Cases, it is observed that either party is left with the option to get both the cases tried by one Court by taking appropriate steps, if they so choose. However, the learned Magistrate is directed to dispose of the present Calendar Case as expeditiously as possible, not later than one year from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 02, 2017.
MD