

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

**THURSDAY THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN**

PRESENT

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO.5638 OF 2011

Between:

Smt. Khursheed Begum & Ors. ... Petitioners/A2, A4 & A5

V/s.

The State of Telangana
Represented by its Public Prosecutor,
High Court of Judicature for the State of
Telangana & Andhra Pradesh,
Hyderabad & Anr. ... Respondents/Respondents

Counsel for Petitioners : Sri P. Shiv Kumar

Counsel for Respondent : Public Prosecutor [TG]

The court made the following : [order follows]

HONOURABLE SRI JUSTICE P. KESHAVA RAOCRIMINAL PETITION NO. 5638 OF 2011ORDER:

Heard the counsel for the petitioners/A2, A4 and A5 as well as the learned Public Prosecutor for the respondents.

2. The present Criminal Petition is filed by the petitioners/A2, A4 and A5 to quash the proceedings initiated against them in CC.No. 434 of 2007 for the offences punishable under Sections 498-A, 324, 406 read with section 34 of IPC and Section 4 and 6 of the Dowry Prohibition Act, on the file of the Court of XIII-Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

3. The facts of the case are that the second respondent lodged a private complaint and in pursuance of which a crime vide FIR.No. 85 of 2006 for the offences punishable under sections 498-A, 324, 406 read with section 34 of IPC and section 4 and 6 of Dowry Prohibition Act have been registered.

4. After completion of investigation, the Sub-Inspector of Police, Women Police Station, Central Crime Station, Detective Department, Hyderabad, have filed a charge sheet.

5. A perusal of the charge sheet would indicate that specific allegations are made against the petitioners, who are A-2, A-4 and A-5 and the same are hereunder :

"A-2 to A-5 used to pinching and by using insulting words against her stating that her parents did not provide enough jewellery and gave meager amount of Ghoda Joda as per their standard."

"The complainant further stated that A-2 resides in America and came down to India in the month of recent Ramzan and staying in the same house of A-1 and instigated A-1 to severe wedlock with her."

"On 07/12/2005, A-1 to A-5 started beating LW-1 mercilessly and driven LW-1 out of the house with wearing apparels stating to bring additional dowry amount of Rs.20,000/- or do not come back."

6. After filing of the charge sheet cognizance of the offences was taken by the court below and numbered as CC.No. 434 of 2007. Aggrieved by the same, the present Criminal Petition is filed.

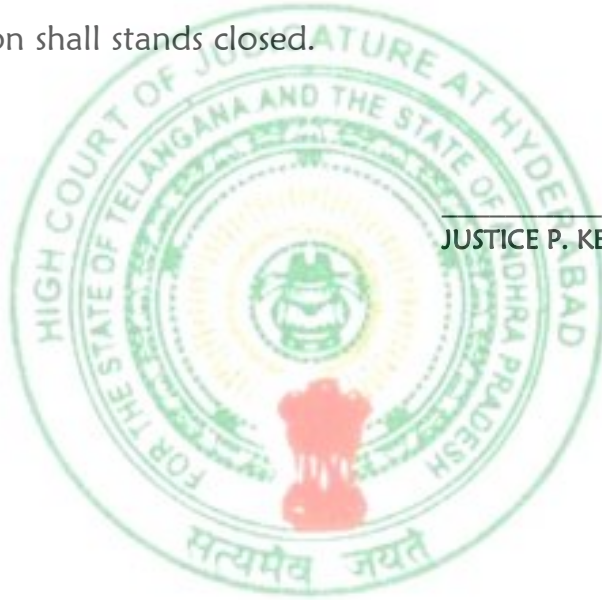
7. A perusal of the complaint as well as the charge sheet would indicate that the petitioners, who are A-2, A-4 and A-5 herein used to

abuse by using insulting words against the second respondent herein stating that her parents did not provide enough jewellery and gave meager amount of “Ghoda and Joda” as per their standard. It is also specific allegation that A-2, who was residing in America came down to India and started staying in the house and instigating A-1 to severe wedlock with the second respondent. On 07/12/2005, all the accused including the petitioners beat the second respondent mercilessly and driven her out of the house to bring additional dowry or do not come back. In the light of these specific allegations, a prima facie case is made out in the charge sheet. The truth or other wise of the said facts mentioned in the charge sheet, have to be decided and elicited only during the course of trial. At this stage, this Court feels that it is not a fit case to quash the proceedings initiated against the petitioners in CC.No. 434 of 2007 on the file of the Court of XIII-Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. However, considering the facts and circumstances of the case, this Court feels it appropriate that the presence of the petitioners is dispensed with before the trial

court for each and every adjournment subject to the condition that they shall appear as and when their presence is required and directed by the trial court.

8. Accordingly, the Criminal Petition is dismissed. Interim order, if any, stands vacated.

9. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.



JUSTICE P. KESHAVA RAO.

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO. 5638 OF 2011
[DISMISSED]



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