IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION NO: 6199 OF 2020

Between:

1. P.Sai Kiran, S/o. P.Satyanarayana, Aged about 33 years, Occ. Business, R/o. H.No.22-85/31/52, Villa No.52 CSK Prestige County, Rallaguda, Shamshabad, Rangareddy District.
2. P.Satyanarayana, S/o.Late. Kishtaiah, Aged 62 years, Occ. Retd. Govt.Service, R/o. H.No.22-85/31/52, Villa No.52 CSK Prestige County, Rallaguda, Shamshabad, Rangareddy District.
3. P.Narasamma, W/o. P.Satyanarayana, Aged 52 years, Occ. Household, R/o. H.No.22-85/31/52, Villa No.52 CSK Prestige County, Rallaguda, Shamshabad, Rangareddy District.
4. G.Mamatha @ Manjula, W/o.Srinivas, Aged 36 years, Occ.Household, R/o.Plot No.23, Sai Bhavani Enclave, Road No.8, Upparpally, Attapur, Rangareddy District.
5. C.Madhuri, W/o.C.Kishore, Aged 30 years, Occ. Household, R/o.H.No.1-4-308/22/6/A, Bholakpur, Siddiq Nagar, Hyderabad.

...PETITIONERS/ACCUSED

AND

1. State of Telangana, Rep. by its Public Prosecutor High Court, Hyderabad.
2. P.Poojitha @ Shailaja, W/o. P. Saikiran, Aged about 35 years, Occ. Housewife, R/o. H.No.5-2-609, Risala Abdullah, Osmangunj, Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against the petitioners/ Accused No. 1 to 5 in Crime No. 576 of 2020 dt. 27-10-2020 on the file of W.P.S., DD, Hyderabad, for the alleged offences punishable under Sec. 498-A, 506 of IPC & Sec. 4 & 6 of D.P.Act.

I.A. NO: 2 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all proceedings including arrest of the petitioners/accused No.1 to 5 in Crime.No.576 of 2020 dt.27/10/2020 on the file of W.P.S., DD, Hyderabad, for the alleged offences punishable under Sec, 498-A, 506 of IPC, 4 and 6 of D.P.Act.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. V. Janardhan Rao, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1 and None Appeared for Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Criminal Petition No.6199 of 2020

ORDER:

The present Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the FIR/Crime No.576 of 2020, dated 27.10.2020 on the file of Women Police Station, DD, Hyderabad for the alleged offences punishable under Sections 498-A and 506 IPC and Sections 4 & 6 of Dowry Prohibition Act, wherein the petitioners are arrayed as accused Nos.1 to 5.

2. Heard Sri K.V. Jaganmohan Rao, learned counsel for the petitioners/A.1 to A.5 and learned Additional Public Prosecutor appearing for the first respondent-State. Perused the material placed on record.

3. With the consent of the learned counsel appearing for the parties, the criminal petition is taken up for hearing through Video Conferencing in the virtual Court today, i.e., 14.12.2020.

4. The learned counsel for the petitioners would submit that the said crime has been foisted against the petitioners, more so against the petitioners 2 to 5, who are no way connected with the commission of the alleged offence nor involved in the matrimonial matters between the first petitioner and the *de facto* complainant/second respondent. The learned counsel for the petitioners would further submit that the first petitioner has been issued with a notice under Section 41-A of Cr.P.C. to which the first petitioner has already furnished information as sought for by the investigating agency.

5. It is further submitted by the learned counsel for the petitioners that due to the behavior of the second respondent, the first petitioner was forced to file O.P.No.899 of 2020 on 08.10.2020 seeking for restitution of conjugal rights. It is submitted that as a counter blast to the said O.P filed by the first petitioner, the second respondent has filed the present complaint on 27.10.2020. The learned counsel for the petitioners would submit that though the present criminal petition is filed seeking for quashing of the above crime registered, he is restricting his prayer to the limited extent of extending protection to the petitioners, by directing the respondent authority to issue notice u/s.41-A of Cr.P.C. to the petitioners 2 to 5 herein , as in the case of the petitioner no.1 and also to follow the guidelines laid down by the Hon'ble Supreme Court in the case of ***Arnesh Kumar v. State of Bihar***[1].

6. On the other hand, the learned Additional Public Prosecutor would submit that since the crime registered against the petitioners is under Sections 498-A and 506 IPC and Sections 4 & 6 of Dowry Prohibition Act, the respondent investigating agency would follow the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar***'s case (supra).

7. Learned Additional Public Prosecutor would submit that the respondent authority would follow the guidelines laid down by the Hon'ble Apex Court and the procedure prescribed under Section 41 A of Cr.P.C.

8. Having regard to the submissions made as above, this Court is of the view that since, the first petitioner has already been

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[1] (2014) 8 SCC 273

issued with notice under Section 41-A of Cr.P.C, the respondent authority is hereby directed to issue notice under Section 41-A of Cr.P.C. to the petitioners 2 to 5 herein and to follow the guidelines issued by the Apex court in ***Arnesh Kumar***'s case *(supra)*.

9. Subject to the above direction, the criminal petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

SD/- CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, WPS, DD, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad.
4. One CC to Sri K. V. Janardhan Rao, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED:14/12/2020



ORDER

CRLP.No.6199 of 2020

DISPOSING OF THE CRL.PETITION.

(7) VLV
30/12/20