HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY THE TWENTY FIRST DAY OF DECEMBER YWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION NO: 6275 OF 2020

Between:

1. Lagishetty Sushruth Kumar, S/o Sriram, Aged about 35 years, Occ. Digital Marketing
2. Lagishetty Sriram, S/o. Late L Anthalah, Aged about 62 years, Occ. Retd. Army
3. Lagishetty Rama Devi, W/o. Sriram, Aged about 55 years, Occ. Housewife All are R/o. Plot No.70, Baradwaja Arcade, Geetha nagar, Neredmet, Malkajgiri, Hyderabad

...PETITIONERS/ACCUSED 1to 3

AND

1. The State of Telangana, Through S.H.O. WPS Karimnagar, Rep by its Public Prosecutor, High Court at Hyderabad
2. Lagishetty @ Thota Swapna, W/o. Sushruth Kumar, Aged about 29 years, Occ. Housewife, R/o. H.No.1-5/1, Chippakurthy village, Ramadugu Mandal, Karimnagar District

...RESPONDENTS/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 criminal proceedings in Crime No.141/2020 of PS WPS Karimnagar for the offences alleged U/s.498(A) and 420 IPC and Sec.4 of D.P. Act against the petitioners/A-1 to A-3 herein.

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 of all further proceedings including arrest of the Petitioners/Accused Nos. A-1 to A-3 herein m Crime No.141/2020 of PS WPS Kadmnagar, for the offences alleged U/s. 498(A) and 420 IPC and Sec.4 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 VEERA BABU GANDU, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No 1.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION Nos.6275 of 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.'), seeking to quash the FIR / Crime No.141 of 2020 on the file of Women police station, Karimnagar for the offences punishable under Sections 498-A and 420 IPC and Section 4 of Dowry Prohibition Act wherein the petitioners are arrayed as accused Nos.1 to 3.

2. This Criminal Petition is taken up for hearing today, i.e. 21.12.2020, through video conferencing.

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the 1st respondent State. With the consent of both the parties, the above case is taken up for hearing and disposal.

4. Learned Counsel for the petitioners would submit that the present petition has been filed seeking for quashing of the complaint lodged by the 2nd respondent/defacto-complainant. It is also submitted that the petitioner No.1 and respondent No.2 – de facto complainant are wife and husband and respondent No.2 in order to obtain divorce from the petitioner, lodged the present complaint to exert pressure on the petitioner and seeks to draw the attention of the court to the contents of the complaint lodged by respondent No.2. Learned Counsel for the petitioner would submit that though the petitioners are issued with notice under Section 41-A Cr.P.C., the respondent authorities are contemplating to take coercive action.

5. Learned Additional Public Prosecutor on the other hand would submit that, since this is a matrimonial matter registered under Section 498-A IPC, respondent authorities would follow the procedure prescribed under Section 41-A Cr.P.C. and abide by the the guidelines laid down by the Hon'ble Apex Court in the case of ***Arnesh Kumar v. State of Bihar***[1]. Learned Additional Public Prosecutor while denying the said allegation as to respondent authorities resorting to coercive action, would submit that the authorities would strictly follow the guidelines laid down by the Apex Court in ***Arnesh Kumar*** (supra).

6. Having regard to the submissions made as above, and considering the fact that the petitioners are already issued notice under Section 41-A Cr.P.C., this court is of the view that while permitting the respondent authority to proceed with the investigation into the crime registered, however are directed not to take any coercive action against the petitioners till filing of the final report.

7. Subject to the above direction, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

[1] (2014) 8 SCC 273

SD/- N. CHANDRA SHEKHAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate Special Mobile (PCR) Court at Karimnagar.
2. The Station House Officer, WPS Karimnagar, Karimnagar District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI VEERA BABU GANDU Advocate [OPUC]
5. **Two CD Copies**

CDL

HIGH COURT

DATED:21/112/202



ORDER

CRLP.No.6275 of 2020

DISPOSSING THE CRIMINAL PETITION

(7) VLV
31/12/20