

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION NO: 184 OF 2021

Between:

Ayanapudi Soma Shekhar Raju, S/o. A. Surayanarayana Raju, Aged. 31, Occ.
Driver, R/o. H.No 4-370, Penugunduru Village, KarapaMandal, East Godavari
Dist. A.P

...Petitioner/Accused No.1

AND

1. The State of Telangana, through the Station House Officer, Alwal Police Station, Alwal Ranga Reddy District. Represented by Public Prosecutor, High Court of Judicature, at Hyderabad, High Court Buildings, Hyderabad, Telangana.
2. A. Nandini, W/o. A. Soma Shekhar Raju, Age. 27 years, Occ. Housewife, R/o. Plot No. 37/26, Panchaseela, Alwal, Cyberabad, Telangana.

...Respondents/Respondents

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 impugned crime registered vide FIR No. 602 of 2020, dated. 09/11/2020 U/Sec.498-A, 3, 4 DPA on the file of Alwal Police Station Alwal Ranga Reddy District.

I.A. NO: 2 OF 2021

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 grant stay of all further proceedings in FIR No. 602 of 2020, dated. 09/11/2020 U/Sec.498-A, 3, 4 DPA on the file of Alwal Police Station Alwal Ranga Reddy District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Prudhvi Raj Mudunuri, Advocate for the Petitioner and the Assistant Public Prosecutor (TG/AP) on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.184 OF 2021

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the proceedings in Crime.No.602 of 2021 pending on the file of the Station House Officer, Alwal Police Station, R.R.District. The petitioner herein is accused No.1 in the said crime. The offences alleged against the petitioner are under Sections 498-A of the Indian Penal Code, 1860 and Sections 3 & 4 of Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondents. Perused the record.

3. The marriage of the petitioner/accused No.1 with the 2nd respondent was performed in the year 2015. The 2nd respondent herein has lodged a complaint on 09.11.2020 making certain allegations against the petitioner herein. The petitioner herein issued a notice dt.01.01.2021 requesting the 2nd respondent to join and it is for Restitution of Conjugal Rights. The said facts would reveal that there are matrimonial disputes between the petitioner and the 2nd respondent.

4. Considering the said aspects and also the nature of allegations levelled in the complaint dt.09.11.2020, this Criminal Petition is disposed of directing the Investigating

Officer in Crime.No.602 of 2021 pending on the file of the Station House Officer, Alwal Police Station, R.R.District, to follow the mandatory procedure contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. In the meanwhile, the Police are directed not to arrest the petitioner herein till completion of investigation and filing of final report. The petitioner shall cooperate with Investigating Officer in concluding the investigation by furnishing information and submitting documents as sought by the Investigating Officer.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The XXIII Metropolitan Magistrate, at Medchal Court, Cyberabad, Medchal District.
 2. The Station House Officer, Alwal Police Station Alwal, Ranga Reddy District.
 3. Two CCs to the Assistant Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
 4. One CC to Sri Prudhvi Raj Mudunuri, Advocate [OPUC]
 5. Two CD Copies
- MMK

¹ (2014) 8 SCC 273

HIGH COURT

KLJ

DATED:29/01/2021

ORDER

CRLP.No.184 of 2021



DISPOSING OF THE CRIMINAL PETITION

⑦
5/2/21
JGK