

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 1354 OF 2021

Between:

1. Smt. Bee Pasha, W/o Mohd. Waliuddin, Aged about 50 years, occ. Household, r/o H.No. 16-109-386/9/1, MCH Colony, Old Malakpet, Hyderabad.
2. Mohd. Waliuddin, S/o Shaik Hussain, aged About 65 years, occ. Nil, R/o H.No. 16109386/9/1, MCH Colony, Old Malakpet, Hyderabad
3. Mohd.Saieemuddin, S/o Mohd. Waliuddin, Aged about 30 years, occ. Private Service, R/o H.No. 16109386/9/1, MCH Colony, Old Malakpet, Hyderabad
4. Mohd. Raziuddin, S/o Mohd. Waliuddin, Aged about 26 yeas, occ. Private Service, r/o H.No. 16-109-386/9/1, MCH Colony, Old Malakpet, Hyderabad.

...PETITIONER/ACCUSED No.2 to5

AND

1. The State of Telangana, through S.H.O. Women Police Station, CCS, DD, Hyderabad, rep. by its Public Prosecutor, High Court, Hyderabad.
2. Smt. Nusrath Fatima, W/o Mohammed Azeemuddin Aged about 35 years, occ. Housewife, R/o H.No.16-10-376, Race Course Road, Old Malakpet, Hyderabad

...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 call for the records relating to the F.I.R.No.236 of 2020 on the file of the Women Police Station, CCS, DD, Hyderabad, and quash the proceedings thereon, and to grant.

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 F.I.R.No.236 of 2020 on the file of the Women Police Station, CCS, DD, Hyderabad, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri. Mohd Ayub Khan, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No 1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No. 1354 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.236 of 2020, pending on the file of the Women Police Station, CCS, DD, Hyderabad. The petitioners herein are Accused Nos.2 to 5 in the said crime. The offences alleged against the petitioners are under Sections 498-A, 406 of the Indian Penal Code and Sections 4 and 6 of Dowry Prohibition Act, 1961.

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

3. Learned counsel for the petitioners by referring to the contents of the complaint would submit that the 2nd respondent was residing with A-1 separately. According to him, the 1st and 2nd petitioners are parents and the 3rd and 4th petitioners are brothers. He further submits that the Police have already arrested A-1 and presently he is on bail.

4. A perusal of the material available on record would reveal that the marriage of A-1 with the 2nd respondent was performed on 05.07.2009. It appears from the complaint dt.11.06.2020 there are matrimonial disputes between A-1 and the 2nd respondent. *Prima facie* there are no specific

allegations against the petitioners herein. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation.

5. Considering the said aspects, this Criminal Petition is disposed of directing the Investigating Officer in Crime.No.236 of 2020, pending on the file of the Women Police Station, CCS, DD, Hyderabad, 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 Bihar¹**. In the meanwhile, the Police are directed not to arrest the petitioners herein/A-2 to A-5 till completion of investigation and filing of final report. The petitioners shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

¹(2014) 8 SCC 273

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Women Police Station, CCS, DD, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri. Mohd. Ayub Khan, Advocate [OPUC]
5. Two CD Copies

CDL
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HIGH COURT

DATED:02/03/2021



ORDER

CRLP.No.1354 of 2021

DISPOSING OF THE CRIMINAL PETITION

AM (7)
16/3/2021