

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

WEDNESDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 2850 OF 2021

Between:

1. Sri. Amal J. Pius, S/o. M. Jolly Kumar, Aged 35 years, Occ. Pvt. Service, R/o. Mayakonnam House, Mamood, Changanacherry, Kottayam District, Kerala.
2. M. Jolly Kumar, S/o., Aged 68 years, Occ. Business, R/o. Mayakonnam House, Mamood, Changanacherry, Kottayam District, Kerala.
3. Smt. Aleyamma Varghese, W/o. Jolly Kumar, Aged 60 years, Occ. Housewife, R/o. Mayakonnam House, Mamood, Changanacherry, Kottayam District, Kerala.
4. Smt. Annet J. Maria, W/o. Arun Joseph, Aged 37 years, Occ. Housewife, R/o. Chelakari, Jayanthi Junction, Aimanam, Kottayam District, Kerala.

...Petitioners/Accused

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court Building, Hyderabad.
2. Smt. Manju Yohannan, W/o. Amal J. Pius, Aged 35 years, Occ. Pvt. Service, 5-3-110/108, Sai Krupa Colony, Yaprul Secunderabad.

...Respondent/De Facto 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 in Crime No. 212 of 2021, dated 15.03.2021, on the file of the Police Station Jawahar Nagar.

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 stay all proceedings, including arrest of the Petitioners, in Crime No. 212 of 2021, dated 15.03.2021, on the file of the Police Station Jawahar Nagar, pending the disposal of this Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. Mohan, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.2850 of 2021

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.212 of 2021 pending on the file of Jawahar Nagar Police Station, Rachakonda Commissionerate. Petitioners are accused Nos.1 to 4 in the said crime. The offences alleged against them are under Sections 498-A and 420 of IPC and Section 156(3) of Cr.P.C.

2. Heard Sri K. Mohan, learned counsel for the petitioners as well as the learned Public Prosecutor. Perused the record.

3. A perusal of the record would reveal that the marriage of the 1st petitioner with the 2nd respondent was performed on 09-10-2010. It appears that matrimonial disputes arose between 1st petitioner herein / A-1 and 2nd respondent thereafter.

4. According to the learned counsel for the petitioners, the 2nd respondent herein has already filed an application vide F.C.O.P.No.561 of 2020 seeking dissolution of her marriage with the 1st petitioner. The said OP is pending. She has filed G.W.O.P.No.42 of 2020 seeking guardianship of minor son of the 1st petitioner and 2nd respondent. The said OP is also pending. She has filed a petition under Section 125 of

Cr.P.C., vide M.C.No.3 of 2021 seeking maintenance. The said M.C. is also pending. The said facts would reveal that there are matrimonial disputes between the 1st petitioner and 2nd respondent. Petitioner Nos.2 and 3 are aged parents and petitioner No.4 is sister of A-1. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation.

5. Considering the said aspects and also the aspect that the punishment for the offences alleged against the petitioners is imprisonment for seven years and below seven years, this Criminal Petition is disposed of directing the Investigating Officer in Crime No.212 of 2021 pending on the file of Jawahar Nagar Police Station, Rachakonda Commissionerate, to strictly follow the procedure laid down under Section 41-A Cr.P.C., and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar and another**¹. The petitioners - Accused Nos.1 to 4 shall co-operate with the Investigating Officer by furnishing the information and documents as sought by the Investigating Officer in concluding the investigation. Miscellaneous petitions pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

Sd/-N.CHANDRASEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXIII Metropolitan Magistrate, at Medchal Court, Cyberabad, Medchal District.
2. The Station House Officer, Jawahar Nagar Police Station, Rachakonda Commissionerate.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri K. Mohan, Advocate [OPUC]
5. Two CD Copies
MMK

HIGH COURT

KLJ

DATED:07/04/2021

ORDER

CRLP.No.2850 of 2021



DISPOSING OF THE CRIMINAL PETITION

(7) VLV
29/4/21