

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

TUESDAY, THE SEVENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY
ONE

**:PRESENT:
THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 9173 OF 2021

Between:

T. Abdul Rahiman, S/o Late T.Ameer Hamza.

Petitioner/Accused

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court at Hyderabad.
2. Shaik Rahat Anthusha, D/o Mukhtar Ahmed, Occ. working as a Software Engineer, R/o 5-5-274/102, Shadab Apartments Patel Nagar, Hyderabad

Respondent/Complainant

WHEREAS the Petitioner/Accused above named through his Advocate SRI M A MUJEEB presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to QUASH the Orders dated 23-11-2021 passed in CrI. M.P.No.2458 of 2021 on the file of the court of the V Addl. Metropolitan Sessions Judge Hyderabad in Crime No. 382 of 2021 of PS WPS CCS DD Hyderabad and set aside the same in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri M A MUJEEB, Advocate for the Petitioner, directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Shaik Rahat Anthusha, D/o Mukhtar Ahmed, Occ. working as a Software Engineer, R/o 5-5-274/102, Shadab Apartments Patel Nagar, Hyderabad

are directed to show cause on or before 18-01-2022 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the interim orders in CrI. M.P.No.2458 of 2021 on the file of the court of the V Addl. Metropolitan Sessions Judge Hyderabad in Crime No. 382 of 2021 of PS WPS CCS DD Hyderabad pending disposal of the main CrI.Petition and such other relief as the Honble Court deem fit and proper in the circumstances of the case., pending disposal of CRLP No. 9173 of 2021, on the file of the High Court.

The Court made the following:

ORDER:

Notice to 2nd respondent.

Personal notice is permitted.

List on 18-01-2022.

A perusal of the record would reveal that the petitioner herein is accused in Crime No.382 of 2021 of WPS CCS, DD Police Station, Hyderabad for the offences

under Sections 498-A and 323 of IPC, Sections 3 and 4 of D.P. Act and Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019. He was arrested by Police and produced before the XIII Addl. Chief Metropolitan Magistrate (Mahila Court), Hyderabad on 29-06-2021 in Crime No.382 of 2021. Learned Magistrate vide order dated 29-06-2021 directed the Police to release the petitioner on execution of personal bond for Rs.10,000/- with one surety by observing that the Police have not followed the procedure laid down under Section 41-A of Cr.P.C., and the guidelines issued by the Hon'ble Apex Court in Arnesh Kumar's case.

Referring to the same, Mr.M.A. Mujeeb, Learned counsel for the petitioner would submit that there is no violation of Section 7(c) of Protection of Rights of Marriage, 2019 by the learned Magistrate while passing the order dated 29-06-2021 since it is not an application filed by the accused seeking bail.

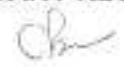
Referring to the Impugned order dated 23-11-2021 in CrI.M.P.No.2458 of 2021 in Cr.No.382 of 2021 passed by learned V Addl. Metropolitan Sessions Judge, Hyderabad, Learned counsel for the petitioner would submit that the Court below without issuing any notice to the petitioner herein set aside the said docket order dated 29-06-2021 in Cr.No.382 of 2021 passed by XIII Addl. Chief Metropolitan Magistrate (Mahila Court), Hyderabad and directed to take the custody of the accused. Thus, there is violation of principles of natural justice and also the procedure laid down under law.

In view of the same, matter requires examination.

Therefore, the impugned order dated 23-11-2021 in CrI.M.P.No.2458 of 2021 in Cr.No.382 of 2021 passed by learned V Addl. Metropolitan Sessions Judge, Hyderabad, is suspended.

SD/- V.SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The V Addl. Metropolitan Sessions Judge, Hyderabad.
2. The XIII Addl. Chief Metropolitan Magistrate, at Hyderabad.
3. The Station House Officer, P.S. W.P.S. CCs, DD, Hyderabad.
4. Shaik Rahat Anthusha, D/o Mukhtar Ahmed, Occ. working as a Software Engineer, R/o 5-5-274/102, Shadab Apartments Patel Nagar, Hyderabad (by RPAD- along with a copy of petition and memorandum of grounds)
5. One CC to SRI M A MUJEEB Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
7. One spare copy

mvj

HIGH COURT

KL,J

DATED:07/12/2021

LIST ON 18-01-2022

NOTICE BEFORE ADMISSION

CRLP.No.9173 of 2021

DIRECTION

