

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
MONDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE
PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN
CRIMINAL PETITION NO: 3092 OF 2021

Between:

Eravathri Sujan Chandra, s/o Eravathri Devidas, aged about 28 years, presently residing at Charlotte, NC, USA, rep. by his General Power of Attorney Eravathri Arun Chandra s/o Eravathri Devidas, aged about 25 years r/o Kishan Nagar of Balkonda Mandal.

...PETITIONER/ACCUSED NO.1

AND

1. The State of Telangana, through S.H.O. Nizamabad Rural Police Station, Nizamabad District, rep. by its Public Prosecutor High Court, Hyderabad.
2. Regional Officer, Bureau of Immigration (MHA), Govt. of India, Sardar Vallabhai Patel Bol OCR Complex, Shamshabad-Pahadishareef Road near GMR Township (CISF Residential Quarters), Mamidipally Shamshabad Telangana, PIN-501218
3. Dhantal Mahendra, s/o Ganapathi, aged about 50 years, occ. Business, r/o H.No.6-56/A, Gangasthan Phase-3, Nizamabad.

...RESPONDENT/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 FIR No.35/2020 of Nizamabad (R) Police Station, Nizamabad District, and quash the proceedings thereon.

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 including the arrest of the petitioner in FIR No.35/2020 of Nizamabad (R) Police Station, Nizamabad District, pending disposal of the Criminal Petition.

I.A. NO: 3 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 suspend the Look Out Circular issued against the petitioner in FIR No.35/2020 of Nizamabad (R) Police Station, Nizamabad District, 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 PILLIX LAW FIRM, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and NONE APPEARED for the Respondent No.2 & 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.3092 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.35 of 2020 pending on the file of Nizamabad Rural Police Station, Nizamabad District, registered for the offences under Section 498-A of IPC and Section 4 of the Dowry Prohibition Act. The petitioner herein is accused No.1 in the said Crime.

2. Heard Sri P. Kasi Nageswara Rao, learned counsel for the petitioner and learned Public Prosecutor. Perused the Record.

3. A perusal of the record would reveal that the marriage of petitioner herein /A-1 with the daughter of 3rd respondent was performed on 29-04-2016. After marriage they left to U.S.A. It appears thereafter matrimonial disputes arose between them. Therefore, the petitioner herein has filed divorce proceedings before the Superior Court of California, U.S.A., and the said Court has granted dissolution of marriage. A perusal of the same would reveal that it is a contest order. Thereafter it appears that the 3rd respondent, father-in-law of the petitioner herein has lodged the present complaint on 03-02-2020. Thus, there are several factual

aspects to be investigated into by the Investigating Officer during the course of investigation.

4. learned counsel for the petitioner would submit that the petitioner, who is at present in U.S.A., intends to come to India on 24-05-2021 and accordingly, he made travel arrangements. In proof of the same, he has filed copies of the Air Tickets. According to him, there is threat of arrest by the Police and by the 2nd respondent and also immigration authorities under the guise of LOC issued in Crime No.35 of 2020 pending on the file of the Nizamabad Rural Police Station.

5. Considering the said facts, this Criminal Petition is disposed of, directing respondent Nos.1 and 2 including the Police, Nizamabad Rural Police not to arrest the petitioner herein in Crime No.35 of 2020 or under the guise of the LOC issued in the said crime. However, it is made clear that the investigation may go on. According to learned counsel for the petitioner, the Investigating Officer in the above crime has already issued notice under Section 41-A of Cr.P.C., and the petitioner herein has already submitted his reply to the said notice. In view of the same, the Investigating Officer in Crime No.35 of 2020 pending on the file of Nizamabad Rural Police Station, is directed to strictly follow the procedure prescribed in Section 41-A of Cr.P.C. and also the guidelines issued by

the Apex Court in **Arnesh Kumar v. State of Bihar**¹. The petitioner shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation. Three months time from today is granted to the petitioner to come and appear before the Investigating Officer and cooperate with him in concluding the investigation. As stated, the Investigating Officer is directed not to arrest the petitioner till completion of investigation and filing of final report.

6. 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 II Additional Judicial First Class Magistrate at Nizamabad.
2. The Station House Officer, Nizamabad Rural Police Station, Nizamabad District,
3. One CC to PILLIX LAW FIRM Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court of Judicature at Hyderabad. [OUT]
5. Two CD Copies.

TL



HIGH COURT

DATED:19/04/2021

ORDER

CRLP.No.3092 of 2021



DISPOSING OF THE CRIMINAL PETITION.

2
NMA
25/5/2021