

HIGH COURT FOR THE STATE OF TELANGANA

**TUESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 3192 OF 2021

Between:

1. Kakollu Nageshwar Rao, S/o. late K. Malakondaiah, Aged 45 years, Occ. Business, R/o. Srinagar Colony, 2nd lane, Lakshmidhevapalli, Kothagudem, Bhadradi Kothagudem District.
2. Kakollu Sridevi, W/o. Nageshwar Rao, Aged 41 years, Occ. Housewife, R/o. Srinagar Colony, 2nd lane, Lakshmidhevapalli, Kothagudem, Bhadradi Kothagudem District.
3. Kakollu Kondappa Naidu, S/o. S/o. late K. Malakondaiah, Aged 49 years, Occ. Business, R/o. HKT Apartment, Teachers Colony, Palavoncha, Kothagudem, Bhadradi Kothagudem District.
4. Kakollu Saraswathi, W/o. Kondappa Naidu, Aged 44 years, Occ. Housewife, R/o. HKT Apartment, Teachers Colony, Palavoncha, Kothagudem, Bhadradi Kothagudem District.
5. Kakollu Ramulamma, W/o. late K. Malakondaiah, age. 70 years, Occ. housewife, R/o. KakolluvarePalle, VK PaduMandal, Udaygir Taluk, S.P.R. Nellore District.
6. Manne Tirupathaiah, S/o. late Chinna Balankaiah, Age. 60 years, Occ. Agriculture, R/o. Ashok Nagar, VK Padu Mandal, Udaygir Taluk, S.P.R. Nellore District.
7. Manne Dhanalakshmi @ Manne Dhanamma, W/o. Manne Tirupathaiah, Age. 60 years, Occ. Agriculture, R/o. Ashok Nagar, VK Padu Mandal, Udaygir Taluk, S.P.R. Nellore District.

...PETITIONERS/ACCUSED NO 2 TO 8

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad Through Palavoncha Town Police Station, Bhadradi Kothagudem District.

.....RESPONDENT

2. Manne Bhagya Lakshmi, W/o. ManneVenkateshwaraRoa, Age. 36 years, Occ. Housewife, R/o. H.No.20-5-89/7/3/A, Contractors Colony, New Palavoncha, BhadradiKothagudem District.

...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 call for the records in connection with the case in Cr. No. 116 of 2021 on the file of the Palavoncha Town Police Station, Bhadradi Kothagudem District and quash the same by allowing the above petition in respect of the petitioners/Accused no.2 to 8 herein

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 further proceedings in connection with the Cr. No. 116 of

2021 on the file of the Palavoncha Town Police Station, Bhadradi Kothagudem District, pending disposal of the above criminal petition

I.A. NO: 1 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 direct the police to strictly follow the procedure under section 41-A of Cr.P.C and also the guidelines held by the Apex Court in the case of Arnesh Kumar Vs. State of Bihar, Judgment reported in 2014 (8) SCC 273. Since all the alleged offence is punishable below Seven years, pending disposal of the above Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mummaneni Srinivasa Rao, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.3192 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.116 of 2021 pending on the file of Palavancha Town Police Station, Bhadradri Kothagudem District, registered for the offences under Sections 294-B, 323, 498-A and 506 of IPC and Sections 3 and 4 of the Dowry Prohibition Act. The petitioners herein are accused Nos.2 to 8 in the said Crime.

2. Heard Sri Mummaneni Srinivasa Rao, learned counsel for the petitioners and learned Public Prosecutor. Perused the Record.

3. The marriage of Accused No.1 with the 2nd respondent was performed on 01-09-2007. It appears thereafter matrimonial disputes arose between them. The allegation of the 2nd respondent is that A-1 threatened to kill her and demanded additional dowry. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation. Petitioner Nos.1 and 2 are maternal uncle and aunt, petitioner Nos.3 and 4 are also maternal uncle and aunt, petitioner No.5 is grand-mother and petitioner Nos.6 and 7 are aged parents of A-1.

4. Considering the said facts and also the fact that there are matrimonial disputes between A-1 and the 2nd respondent also the aspect that the punishment prescribed for the offences alleged against the petitioners is imprisonment of seven years or below seven years, the Investigating Officer in Crime No.116 of 2021 pending on the file of Palavancha Town 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, till completion of investigation and filing of final report not to arrest the petitioners herein. The petitioners shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

5. The Criminal Petition is accordingly disposed of. Miscellaneous petitions pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The II Additional Judicial First Class Magistrate, Kothagudem, Khammam District
 2. The Station House Officer, Palavoncha Town Police Station, Palavoncha Town, Kothagudem Khammam District.
 3. One CC to Sri Mummaneni Srinivasa Rao, Advocate [OPUC]
 4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
 5. Two CD Copies
- gbr

JWd

HIGH COURT

DATED: 20/04/2021



ORDER

CRLP.No.3192 of 2021

DISPOSING OF THE CRIMINAL PETITION

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17/5/21
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