

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION NO: 7315 OF 2020

Between:

1. Kaluvala Mallaiah @ Manjunath, son of late Kanukaiah, Aged 59 years, Occupation Retired employee in BSNL R/o. H.No. 2-33/B, Singapur Village, Huzurabad Mandal, Karimnagar district. (A-1)
2. Kaluvala Rajamma wife of late Kanukaiah,, Aged 69 years, Occupation Household, R/o. H.No. 2-33/B, Singapur Village, Huzurabad Mandal, Karimnagar district. (A-2)

...PETITIONERS/ACCUSED NO 1& 2

AND

1. The State of Telangana, rep. by Public Prosecutor, High Court for the State of Telangana at Hyderabad, Through S.H.O., Jammikunta Town Police Station, Karimnagar District.
2. Ponaganti Sarojana @ Mudham Sarojana, W/o. Shankaraiah, (Kaluvala Sarojana and Bhavani as per F.I.R) Aged 50 years, Occupation Business, R/o. H. No. 17-1-98/1, Mothkulagudem village, Jammikunta Mandal, Karimnagar District.

...RESPONDENT/COMPLAINANTS

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 FIR No. 356 of 2020 of Jammikunta Town Police Station, Karimnagar District.

I.A. NO: 1 OF 2020

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 of all further proceedings in Crime No. 356 of 2020 of Jammikunta Town Police Station, Karimnagar district, including arrest of petitioners.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Smt. Balmuri Pallavi, Advocate for the Petitioner and the Additional 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 HON'BLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION No.7315 of 2020

ORDER:

The present criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.356 of 2020 on the file of Jammikunta Town Police Station, Karimnagar District, registered for the offence punishable under Section 498-A IPC and Section 4 of Dowry Prohibition Act, wherein the petitioners herein are arrayed as A-1 and A-2.

2. The criminal petition is taken up for hearing today, i.e. 06.01.2021, through Video Conferencing.

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for respondent No.1 - State.

4. Learned Counsel for the petitioners would submit that based on the complaint made by the respondent No.2/defacto-complainant, the above crime came to be registered against the petitioner and is relating to matrimonial disputes. The learned Counsel for the petitioner would thus submit that in view of the orders of the Hon'ble Apex Court in **ARNESH KUMAR V/s. STATE OF BIHAR**¹, the 1st respondent authority is required to follow the procedure prescribed under Section 41-A Cr.P.C.

5. Learned Additional Public Prosecutor on the other hand would submit that, since the offence relates to matrimonial issue, the respondent authorities would follow the procedure prescribed

¹ (2014) 8 SCC 273

under Section 41-A Cr.P.C. and also would abide by the guidelines issued by the Apex Court in **ARNESH KUMAR** (supra).

6. Having regard to the submissions made as above, the Criminal Petition is disposed of directing the respondent authority to follow the procedure prescribed under Section 41-A Cr.P.C., and to strictly adhere to the guidelines laid down by the Hon'ble Supreme Court in **ARNESH KUMAR's** case (supra) while investigating into the above case.

7. Subject to the above direction, the criminal petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

SD/- CH. VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional The Judicial Magistrate of First Class, Huzurabad Karimnagar District
2. The Station House Officer, Jammikunta Town Police Station, Jammikunta Town Karimnagar District.
3. One CC to Smt. Balmuri Pallavi, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

MP

HIGH COURT
TVKJ
DATED:06/01/2021

ORDER
CRLP.No.7315 of 2020



DISPOSING OF THE CRLPMINAL PETITION

ATM 7
21/1/2021