

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2182 OF 2021

Between:

Siricilla Swaroopa @ Macha Sharada, W/o.Krishnam Raju, D/o.Pochaiah, Aged 33 years, Occ. Household, R/o.H.No.2-10-3, Mukarampura, Karimnagar, Karimnagar District Presently R/o.H.No.5-20/30, SC Colony, Algunoor Village, Thimmapoor Mandal, Karimnagar District.

...PETITIONER/ACCUSED 6

AND

1. The State of Telangana Rep.by its Public Prosecutor, High Court of Telangana, At Hyderabad.
2. Macha Shyamala, W/o.Krishnam Raju, Aged 33 years, Occ. Housewife R/o.SC Colony, Mannur Village, Gudihathnoor Mandal, Adilabad District.

...RESPONDENT/ DEFACTO 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 C.C.No. 61 of 2016 on the file of Hon'ble Junior Civil Judge-cum-Judicial First Class Magistrate at Boath, registered U/Sec.498 (A), 494 r/w 34 IPC and Sec. 3 and 4 of D.P.Act, against the Petitioner herein.

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 grant stay of all further proceedings in C.C.No.61 of 2016 on the file of Hon'ble Junior Civil Judge-

cum-Judicial First Class Magistrate at Boath, including appearance of the petitioner, 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 SRINIVAS KUDUMULA Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No. 2182 OF 2021****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.6 to quash the proceedings against her in CC.No.61 of 2016 pending on the file of Junior Civil Judge-cum-Judicial First Class Magistrate at Boath.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The marriage between the defacto complainant and accused No.1 was held on 05.10.2005. After the marriage, disputes arose between them. The husband of the defacto complainant used to harass her demanding additional dowry. Thereafter, on enquiry defacto complainant came to know that the accused No.1 got married with the accused No.6 herein. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioner. They are triable issues. The petitioners have to face trial and prove their innocence. Therefore, this Court is not inclined to quash the

proceedings in C.C.No.61 of 2016 pending on the file of Junior Civil Judge-cum-Judicial First Class Magistrate at Boath against the petitioner. In matrimonial disputes, identification of parties is not in dispute.

4. In the meantime, the attendance of the petitioner/accused No.6 is dispensed with in CC. No.61 of 2016 on the file of Junior Civil Judge-cum-Judicial First Class Magistrate at Boath. The attendance of the petitioner/accused is dispensed subject to filing an affidavit by the petitioner stating that in her absence the proceedings conducted by her counsel will not be disputed by her in any manner and shall not dispute her identity also. However, the petitioner shall appear before the Court as and when her presence is required. In the event of the petitioner failure to appear when the Court directs, this order dispensing her attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed off. Needless to say, in the event of the petitioners filing discharge application before the concerned Court, the Court shall dispose it off on merits.

Miscellaneous applications pending, if any, shall stand closed.

SD/- L. SIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To
1. The Junior Civil Judge – cum- Judicial First Class Magistrate at Boath, Adilabad District.
 2. The Station House Officer , Gudihathnoor Police Station, Adilabad.
 3. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
 4. One CC to SRI. SRINIVAS KUDUMULA Advocate [OPUC]
 5. Two CD Copies

HIGH COURT

KS,J

DATED:29/11/2022



ORDER

CRLP.No.2182 of 2021

DIPSOSING OF THE CRL.PETITION

A handwritten signature in black ink, followed by the date "09/12/2022" written below it.