

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 3144 OF 2022

Between:

Smt.Jaya Joshi, W/o.Krishna Joshi, Aged about 65 years, Occ. Housewife,
R/o.Flat No.404, Sri Said Residency, Chaitanya Colony, Manikonda, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep.by Public Prosecutor, High Court of Telangana At Hyderabad,
2. Smt.Dr.Sai Shreya, W/o. Pradeep Joshi, Aged about 35 years Occ. Doctor, R/o. Flat No.201, Murahari Enclave, Gyanmahal, Street No.6, Domalguda, Hyderabad.

...RESPONDENTS

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 CC.No.441/2021, on the file of the XIII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad .

I.A. NO: 2 OF 2022

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 CC.No.441/2021, on the file of the XIII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAJAGOPALLAVAN TAYI ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.3144 of 2022

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.441 of 2021 pending on the file of the XIII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad. The petitioner herein is accused No.2 in the said C.C. The offences alleged against her are under Sections 498, 406, 420 and 506 of IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the State. Perused the record. With their consent this Criminal Petition is disposed of, at the admission stage.

3. As per the charge sheet, the marriage of A-1 with 2nd respondent was performed on 08-03-2019. Thereafter

matrimonial disputes arose between them. Perusal of the charge sheet in the said Calendar Case would reveal that *prima facie* there are certain allegations against the petitioner herein and they are triable issues. The defences taken by the petitioner herein cannot be considered in an application filed under Section 482 of Cr.P.C. The petitioner has to face trial and prove her innocence. In view of the same, this Court is not inclined to quash the proceedings in C.C.No.441 of 2021 pending on the file of the XIII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad, against the petitioner herein. However, in matrimonial disputes the identification of parties is not in dispute. Petitioner herein is aged mother of A-1, aged about 65 years.

4. However, considering the fact that the disputes between A-1 and 2nd respondent are matrimonial disputes, this Criminal Petition is disposed of dispensing with the presence of the petitioner herein / A-2 only in C.C.No.441

of 2021 pending on the file of the XIII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad. However, she shall appear before the said Court as and when her presence is required.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

SD/-T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad.
2. The Station House Officer, WPS Police Station , C.C.S ,DD, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. RAJAGOPALLAVAN TAYI Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

CDL

MMA

HIGH COURT

DATED:06/04/2022

ORDER

CRLP.No.3144 of 2022



DISPOSING OF THE CRIMINAL PETITION

Q
[Signature]
07/06/2022