

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 3808 OF 2022

Between:

1. T. Srinivas, S/o. Shivalingam,
2. T. Meera Bai, W/o. Srinivas,

...PETITIONERS

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Smt. Tupran Swathi, W/o. Tupran Bharat,

...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 call for the records relating to and connected with C.C. No. 5159 of 2020, on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally and quash the same in so far as petitioners/Accused No.2 and 3 are concerned

I.A. NO: 1 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 order stay of all further proceedings in C.C. No.5159 of 2020, on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally including appearance of the petitioners/Accused No.2 and 3 are concerned, pending disposal of the above CrI.P.,

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri LAXMAIAH KANCHANI, Advocate for the Petitioners and of the Additional Public Prosecutor on behalf of the Respondent

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.3808 of 2022

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.5159 of 2020 pending on the file of the XV Addl. Chief Metropolitan Magistrate, Hyderabad at Nampally. The petitioners herein are accused Nos.2 and 3 in the said C.C. The offences alleged against them are under Sections 498-A and 506 of IPC and Sections 4 and 6 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioners 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 complaint dated 10-12-2019 the marriage of A-1 with 2nd respondent was performed on

24-08-2018. Thereafter matrimonial disputes arose between them. A-1 had already filed a petition seeking dissolution of marriage on the ground of cruelty. In the charge sheet *prima facie* there are specific allegations against the petitioners herein that on the instigation of A-1, A-2 beat respondent No.2 severely and abused her in filthy language and A-1 to A-4 used to harass respondent No.2 both physically and mentally demanding additional dowry. Therefore, *prima facie* there are certain specific allegations against both the petitioners herein and they are triable issues. This Court cannot consider the same in an application filed under Section 482 of Cr.P.C. The petitioners have to face trial and prove their innocence. In view of the same, this Court is not inclined to quash the proceedings in C.C.No.5159 of 2020 against the petitioners herein. However, in matrimonial disputes the identification of

parties is not in dispute. Petitioner Nos.1 and 2 are parents of A-1.

4. The defences taken by the petitioners herein cannot be considered in an application filed under Section 482 of Cr.P.C. The Hon'ble Apex Court in **Kamal Shivaji Pokarnekar v. The State of Maharashtra**¹ has categorically held that quashing criminal proceedings was called for only in a case where complaint did not disclose any offence, or was frivolous, vexatious, or oppressive. If allegations set out in complaint did not constitute offence of which cognizance had been taken by Magistrate, it was open to the High Court to quash the same. It was not necessary that, a meticulous analysis of case should be done before trial to find out whether the case would end in conviction or acquittal. If it appeared on a reading of the complaint and

¹, AIR 2019 SC 847

consideration of allegations therein, in light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere. The defences that might be available, or facts/aspects which when established during trial, might lead to acquittal, were not grounds for quashing a complaint at the threshold. At that stage, the only relevant question was whether averments in the complaint spell out ingredients of a criminal offence or not. The Court has to consider whether complaint discloses any *prima facie* offences that were alleged against the respondents. Correctness or otherwise of the said allegations has to be decided only during trial. At the initial stage of issuance of process, it was not open to Courts to stifle proceedings by entering into merits of the contentions made on behalf of the accused. Criminal complaints could not be quashed only on the ground that, allegations made therein appear to be of a civil

nature. If ingredients of offence alleged against Accused were *prima facie* made out in complaint, criminal proceeding shall not be interdicted.

5. 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 petitioners herein / A-2 and A-3 only in C.C.No.5159 of 2020 pending on the file of the XV Addl. Chief Metropolitan Magistrate, Hyderabad at Nampally. However, they shall appear before the said Court as and when their presence is required.

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

//TRUE COPY//

Sd/-T.TIRUMALADEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally.
2. The Station House Officer, P.S. Women (South Zone), Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
4. One CC to Sri Laxmaiah Kanchani, Advocate (OPUC)
5. Two CD Copies
6. One Spare Copy

Kj.



HIGH COURT

DATED:22/04/2022



ORDER

CRLP.No.3808 of 2022

DISPOSED OF.

Amr (8)
7/6/2022