

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 4801 OF 2022

Between:

1. Fasiullah Khan and 5 others, S/o Faizullah Khan Aged about 33 years, Occ. Business, R/o 13-4-581/A/100, Sabzimandi, Karwan, Hyderabad, Telangana.
2. Faizullah Khan, S/o Late Amanallah Khan, Aged about 65 years, Occ. Business, R/o 13-4-581/A/100, Sabzimandi, Karwan, Hyderabad, Telangana.
3. Nafees Begum, W/o Faizullah Khan, Aged about 60 years, Occ. Housewife, R/o 13-4-581/A/100, Sabzimandi, Karwan, Hyderabad, Telangana.
4. Fareedullah Khan, S/o Faizullah Khan, Aged about 32 years, Occ. Business, R/o 13-4-581/A/100, Sabzimandi, Karwan, Hyderabad, Telangana.
5. Zaheerullah Khan, S/o Faizullah Khan, Aged about 30 years, Occ. Business, R/o 13-4-581/A/100, Sabzimandi, Karwan, Hyderabad, Telangana.
6. Rasheedullah Khan, S/o Faizullah Khan, Aged about 26 years, Occ. Business, R/o 13-4-581/A/100, Sabzimandi, Karwan, Hyderabad, Telangana.

...PETITIONER/A-1 to A-6

AND

1. The State of Telangana and another, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. Afreen Begum, W/o Fasiullah Khan, Aged about 26 years, Occ. Housewife, R/o 19-4-340/60/6/A, Kishanbagh, Najam Nagar, Hyderabad, Telangana.

...RESPONDENTS/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 relating to CC No.938 of 2022 On the file of XV Addl. Chief Metropolitan Magistrate at Hyderabad and quash the same.

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 including the arrest of the petitioners in CC No.938 of 2022 On the file of XV Addl. Chief Metropolitan Magistrate at Hyderabad, pending disposal of the present quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri D SUDHARSHAN, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1 and of the Respondent No. 2 not appearing either in person or by advocate.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.4801 OF 2022

ORAL ORDER:

Heard Mr. D. Sudharshan, learned counsel for the petitioners and learned Assistant Public Prosecutor appearing on behalf of respondent No.1.

2. The present criminal petition is filed by the petitioners to quash the proceedings in C.C. No.938 of 2022 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad. The petitioners herein are accused Nos.1 to 6 in the said C.C. The offences alleged against them are under Sections - 498A, 406 and 506 of IPC and Sections - 4 and 6 of the Dowry Prohibition Act, 1961.

3. Perusal of the record would reveal that the marriage of respondent No.2 with petitioner No.1 herein - accused No.1 was performed on 22.12.2019. Thereafter matrimonial disputes arose between them. The petitioner Nos.2 and 3 herein are the parents of petitioner No.1 while petitioner Nos.4 to 6 are his brothers.

4. As per the charge sheet, the allegations levelled against the petitioners herein are they treated respondent No.2 herein till seven

months of her marriage with petitioner No.1 and thereafter they started harassing her for one reason or the other on the dowry items given by her parents as sub-standard. They used to harass respondent No.2 herein mentally and physically for no fault of her. On the instigation of petitioner Nos.2 to 6, petitioner No.1 used to beat respondent No.2 by using abusive language against her and her parents. He always threatened to divorce her. The petitioners herein made the life of respondent No.2 herein miserable for want of Rs.5.00 lakhs as additional dowry from her parents. On her refusal, petitioner No.1 was not allowing her to meet her parents. Thereafter, by retaining her belongings with petitioner No.1 herein, he necked out her from matrimonial house in the month of July, 2021. Despite mediations held by the elders and parents of respondent No.2 herein, the same could not be materialized. Thus, the petitioners committed the aforesaid offences.

5. Perusal of the record would also reveal that the Investigating Officer has recorded the statements of LWs.1 to 4 under Section - 161 of the Cr.P.C., and on consideration of the same only, he had laid the charge sheet. *Prima facie*, there are specific allegations against the

petitioners herein in the charge sheet. The issues are triable issues and this Court cannot consider the same in a petition filed under Section - 482 of the Cr.P.C. The petitioners have to face trial and prove their innocence. However, in matrimonial disputes, the identification of the parties is not in dispute.

6. In view of the above said discussion, the present Criminal Petition is disposed of dispensing with the personal appearance of petitioner Nos.2 to 6 herein - accused Nos.2 to 6 in C.C. No.938 of 2022 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad only. However, they shall appear before the said Court as and when their presence is required.

As a sequel, the miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

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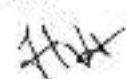
**SD/-G.SIREESHA
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The XV Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Women Police Station, Charminar South Zone, Hyderabad city.
3. One CC to SRI. D SUDHARSHAN Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies
6. One Spare Copy

LS



HIGH COURT

DATED:10/06/2022



ORDER

CRLP.No.4801 of 2022

DISPOSING OF CRLP

⑧
18/7/22
HVL