

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 5023 OF 2022

Between:

Shaheena Mohammedi, W/o. Mohammed Abdul Azeez Azam, aged about 75 years, Occ. Housewife, R/o. H.No. 18-8-450/59, Kumarwadi Colony, Edibazar, Yakutpura, Hyderabad. **...PETITIONER/ACCUSED**

AND

1. Smt. Nazneen Sadia, W/o. Mohammed Abdul Sayeed Adil, Aged about 36 years, Occ. Housewife, R/o. H.No. 18-8-450/59, Kumarwadi Colony, Edibazar, Yakutpura, Hyderabad. Presently R/o. 17-2-1209/16, Jawaherpura, Yakutpura, Hyderabad. **... DEFACTO COMPLAINANT**
2. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana at Hyderabad. **...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 proceedings in C.C.No. 10979 of 2020 on the file of the XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad against the petitioner.

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 stay all further proceedings including the appearance of the petitioner in C.C.No. 10979 of 2020 on the file of the XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C. Sharan Reddy, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 2 and of Sri Mohammed Ghori, Advocate for the Respondent No. 1.

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5023 OF 2022****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.2 seeking to quash the proceedings against her in C.C.No.10979 of 2020 pending on the file of XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad. The offences alleged against her are under Sections 498-A and 406 of Indian Penal Code and Sections 4 and 6 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioner - Accused No.2 and learned Additional Public Prosecutor for the respondent - State. Perused the record.

3. Learned counsel for the petitioner confined his prayer to dispense with the personal appearance of petitioner - Accused No.2 as she is aged about 75 years and it is difficult for her to appear before the court on each and every date of hearing.

4. Considering the submission of learned counsel for the petitioners, the attendance of the petitioner - Accused No.2 is

dispensed with in C.C.No.10979 of 2020 pending on the file of XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, when represented by her counsel on record. The attendance of the petitioner – Accused No.2 is dispensed with 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 learned Magistrate as and when her presence is required. In the event of failure of the petitioner to appear when the Court directs, this order dispensing her attendance shall stand cancelled.

5. Accordingly, the Criminal Petition is disposed of. Needless to say, in the event of the petitioner filing an application under seeking discharge, the concerned Court shall dispose it of on merits within a period of four (04) weeks.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- G. SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. The Station House Officer, Women Police Station, (CCS) Central Crime Station, (DD), Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
4. One CC to Sri C. SHARAN REDDY, Advocate [OPUC]
5. One CC to Sri MOHAMMED GHORI, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:21/12/2022



ORDER

CRLP.No.5023 of 2022

THE CRIMINAL PETITION IS DISPOSED OFF

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10/1/23
PMA