

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

THURSDAY, THE EIGHTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY TWO

**PRESENT**  
**THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION NO: 8076 OF 2022**

**Between:**

1. Mr. Sadiq Sharif, S/o. K Noorulla Sharif, Aged about 37 Years, Occ . Private Employee, R/o. 20-1, 1<sup>st</sup> Street Cross, Sri Ram Mandir Road, Basavanagudi, Bangalore - 560004
2. Mr. K. Noorulla Sharif, S/o. Khader Shariff, Aged about 78 Years, Occ. Retired Engineer, R/o. 20-1, 1<sup>st</sup> Street Cross, Sri Ram Mandir Road, Basavanagudi, Bangalore - 560004
3. Dr Salma Taj, W/o. K Noorulla Sharif, Aged about 73 Years, Occ . Retired Doctor, R/o. 20-1, 1<sup>st</sup> Street Cross, Sri Ram Mandir Road, Basavanagudi, Bangalore - 560004
4. Smt. Lubna Sharif, W/o. Qazi Irfan, aged about 41 Years, Occ . Private Service, R/o. No. A4 703, Elita Promenade, Beereshwara Nagar, JP Nagar 7<sup>th</sup> phase, Bangalore - 78.

**...PETITIONER/ RESPONDENT NOS.1 TO 4**

**AND**

1. The State of Telangana, Through Public Prosecutor High Court at Hyderabad.  
**....Respondent No.1/ Complainant**
2. Smt. Uzma Siddiqui, W/o. Sadiq Sharif, Aged about 34 Years, Occ . Private Employee, R/o. 8-1-40/A/9T, Samtha Colony, Tolichowki, Hyderabad - 500008

**...RESPONDENT NO.2/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 DVC Case bearing no. 311 of 2021 on the file of Honble IV Metropolitan Magistrate, Hyderabad against the Petitioners / Respondents

**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 appearing of the Petitioners / Respondents in DVC Case bearing no. 311 of 2021 on the file of Hon'ble IV

Metropolitan Magistrate, Hyderabad against the Petitioners / Respondents  
pending disposal of the present Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of  
Grounds of Criminal Petition and upon hearing the arguments of Sri NIKUNJ  
DUGAR, Advocate for the Petitioners and the Assistant Public Prosecutor on  
behalf of the Respondent No.1 and None Appeared for the Respondent No.2.

The Court made the following: ORDER

**HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION No.8076 of 2022**

**ORDER:**

1. This Criminal Petition is filed seeking the Court to quash the proceedings that are pending against the petitioners who are arrayed as Respondent Nos.1 to 4 in D.V.C.No.311 of 2021 that is pending before the Court of IV Metropolitan Magistrate, Hyderabad.

2. Heard the submission of the learned counsel for petitioners as well as the learned Assistant Public Prosecutor who is representing Respondent No.1. In the light of the limited relief sought for, issuance of notice to Respondent No.2 is felt not necessary.

3. Learned counsel for the petitioners submits that the petitioners have not committed any acts that are directed against the 2<sup>nd</sup> respondent and though the 2<sup>nd</sup> respondent came for an amicable settlement and received huge sum of money from the petitioners, yet, she foisted a false case against the petitioners. Learned counsel also states that the petitioners reside at far-away places and thus, no further orders in this Criminal Petition are required except

to dispense with the personal appearance of the petitioners i.e., Respondents Nos.1 to 4 before the trial Court on each and every adjournment.

4. Learned Assistant Public Prosecutor did not raise any serious objection for grant of such a relief.

5. This Court has clearly indicated in its order in Criminal Petition No.5840 of 2022, dated 07.7.2022 that the proceedings that are undertaken under the Protection of Women from the Domestic Violence Act by the Courts of Judicial Magistrate of First Class for granting various kinds of reliefs as enshrined under Sections 18 to 22 of the Protection of Women from the Domestic Violence Act are more civil in nature and therefore, the personal appearance of the respondents therein for each and every adjournment, in case they are represented by their counsel, is not required. Exhibiting the same view, this Criminal Petition is disposed of with the following directions:-

- (1) The IV Metropolitan Magistrate, Hyderabad, is directed not to insist upon personal appearance of Petitioner Nos.1 to 4/Respondent Nos. 1 to 4 during the course of proceedings in D.V.C.No.311

of 2021 that is pending on the file of the said Court, in case they are represented by an Advocate.

(2) However, the above direction does not debar the Court from ordering the personal appearance of the respondents therein, who are petitioners herein, in case their appearance is felt necessary. Also, this exemption does not apply if the proceedings are commenced under Section 31 of the Protection of Women from the Domestic Violence Act.

6. As a sequel, pending miscellaneous applications, if any, shall stand closed

Sd/-T.KRISHNA KUMAR  
DEPUTY REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To

1. The IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad.
2. One CC to Sri Nikunj Dugar, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. Two CD Copies

Kj.

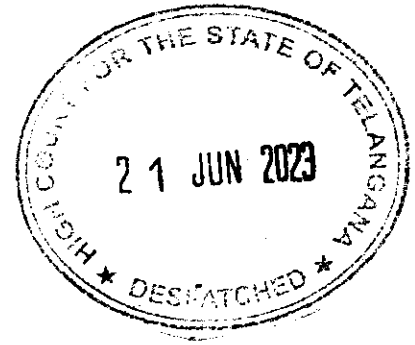


HIGH COURT

DATED:08/09/2022

ORDER

CRLP.No.8076 of 2022



THE CRL.P. IS CLOSED.

(7) vlv  
13/6/23