

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

Criminal Petition No. 8768 of 2022

Between:

1. Johan Balwanth Rao @ Thera John Balwanth Rao, S/o. TGD Padma Rao, Aged about 53 Yrs, Occ. Head Constable.
2. Padma, W/o. Johan Balwanth Rao @ Thera John Balwanth Rao, Aged about 48 Yrs, Occ. House wife.

(Both are R/o. H.No. 10-3-82/24, Vidyanagar, Karimnagar, Telangana - 505 001.)

...Petitioners/ Accused Nos.2 & 3.

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana through P.S.Chandanagar, R.R.District.
...Respondent/Complainant.
2. Meti Priyanka, W/o. Pranay Kumar Thera, D/o. Rajalaxman, Aged about 33 Years, Occ. Private Service, R/o. H.No. 6-103/417, Gulmohar Park Colony, Serilingampally Mandal, Ranga Reddy District, Telangana - 500 090.

...Respondent/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 against the petitioners/A-2 and A-3 in C.C.No.3438 of 2020, P.S.Chandanagar, on the file of the Hon'ble X Addl. Metropolitan Magistrate, Ranga Reddy District at Kukatpally (Presently on the file of the Hon'ble IX Additional Metropolitan Magistrate, Ranga Reddy District at Kukatpally).

IA. 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 of all the proceedings against the petitioners A-2 and A-3 in in C.C. No. 3438 of 2020, P.S.Chandanagar, on the file of the Hon'ble X Addl. Metropolitan Magistrate, Ranga Reddy District at Kukatpally (Presently on the file of the Hon'ble IX Additional Metropolitan Magistrate, Ranga Reddy District at Kukatpally including the appearance of the petitioners/ A-2 and A -3.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Kodamagundla Ravi Kumar, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No. 2 not appearing in person or through her counsel.

The Court made the following: **ORDER**

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA
CRIMINAL PETITION No.8768 of 2022

ORDER:

1. Heard the submission of the learned counsel for the petitioners as well as the learned Assistant Public Prosecutor who is representing the 1st respondent.
2. In the light of the limited request made, issuance of notice to the 2nd respondent is felt not required.
3. Seeking the Court to quash the proceedings that are pending against the petitioners, who are arrayed as Accused Nos.2 and 3 in C.C.No.3438 of 2020, on the file of the Court of IX Additional Metropolitan Magistrate, Ranga Reddy District at Kukatpally, the present Criminal Petition is filed.
4. Learned counsel for the petitioners states that the petitioners are the parents of accused No.1 and they are the in-laws of respondent No.2. Learned counsel submits that there are no allegations that are directed against the petitioners and therefore, the proceedings are unsustainable.

5. Per contra, the submission of the learned Assistant Public Prosecutor is that there is a clear allegation that the petitioners demanded dowry.

6. On hearing that, the learned counsel for the petitioners submitted that no further orders in this criminal petition are required except to dispense with the personal appearance of the petitioners during the course of proceedings.

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

8. Having regard to the submission made thus and keeping in view the facts and circumstances of the case, this Court considers it desirable to order exemption from personal appearance of the petitioners/Accused Nos.2 & 3 during the course of trial proceedings.

9. Resultantly, the Criminal Petition is disposed of with the following directions:

(1) The Court of IX Additional Metropolitan Magistrate, Ranga Reddy District at Kukatpally, is directed not to insist upon personal appearance of the petitioners/Accused Nos.2 & 3 during the course of

proceedings in C.C.No.3438 of 2020 that is pending on the file of the said Court, in case the petitioners/Accused Nos.2 & 3 are represented by an Advocate.

- (2) However, it is made clear that the petitioners/Accused Nos.2 & 3 shall make their appearance as and when specifically directed by the trial Court to do so.

10. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Sd/- B.SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Addl. Metropolitan Magistrate, Ranga Reddy District at Kukatpally (Presently on the file of the Hon'ble IX Additional Metropolitan Magistrate, Ranga Reddy District at Kukatpally).
2. The Station House Officer, Chandanagar Police Station, R.R. District.
3. One CC to Sri Kodamagundla Ravi Kumar, Advocate [OPUC]
4. Two CCs. The Public Prosecutor, High Court for the State of Telangana at Hyderabad.
5. Two CD Copies

JCK

HVx

HIGH COURT

DATED:28/09/2022

ORDER

CRLP.No.8768 of 2022



Disposing of the Criminal Petition.

⑦
12/12/22
4/24