

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

**TUESDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10548 OF 2022

Between:

1. Smt. Gousia, W/o Sajid Mohiuddin, Age 50 years, Occ- Housewife, R/o 7-2-141/2, Ashok Colony, Sanath Nagar, Hyderabad
2. Ashraf Baig, S/o Mohammed Baig, Age 47 years, Occ- Business, R/o 7-2-141/2, Ashok Colony, Sanath Nagar, Hyderabad.
3. Razzak Baig, S/o Mohammed Baig, Age - 35 years, Occ- Business, R/o 7-2-141/2, Ashok Colony, Sanath Nagar, Hyderabad

**...Petitioners/
Accused No. 4,5 & 6**

AND

1. The State of Telangana, Rep. by through the Public Prosecutor, High Court of Telangana, at Hyderabad.

**...Respondent No.1/
Complainant**

2. Smt Tabasum, W/o Mohammed Yaseen Baig, Aged about 27 years, Occupation- Housewife, R/o H.No.9-4-57/D/208/C, Hakeempet, Tolichowki, Hyderabad.

...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 C.C. No. 372 of 2017 pending on the file of Hon'ble XIII ACMM COURT at Manoranjan Complex, Nampally, Hyderabad.

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 of all further proceedings in C.C. No. 372 of 2017 pending on the file of Hon'ble XIII ACMM Court at Manoranjan Complex, Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SYED OSMAN, Advocate for the Petitioner and of the Additional Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10548 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 petitioners-Accused Nos.4, 5 and 6 to quash the proceedings against them in C.C.No.372 of 2017 pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. The offence alleged against them is under Section 498-A of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. A perusal of the record would reveal that, 2nd respondent – complainant was married to Accused No.1 on 24.04.2011. Later, some matrimonial disputes arose between the parties. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioners herein. They are triable issues. The petitioners have to face trial and prove their innocence. The defence taken by the petitioners cannot be considered in an

application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in C.C.No.372 of 2017 pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, against the petitioners herein.

4. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioners herein – Accused Nos.4, 5 and 6 is dispensed with in C.C.No.372 of 2017 pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, when represented by their counsel on record. The attendance of the petitioners is dispensed with subject to filing affidavits by them stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and also they shall not dispute their identity. However, the petitioners shall appear before the learned Magistrate as and when their presence is required. In the event of the petitioners failure to appear when the Court directs, this order dispensing their attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- I. NAGA LAKSHMI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, Banjara Hills Police Station, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri SYED OSMAN, Advocate [OPUC]
5. Two CD Copies.

Njb



HIGH COURT

KS,J

DATED:29/11/2022

ORDER

CRLP.No.10548 of 2022



DISPOSING OF THE CRIMINAL PETITION.

(7) $\frac{v/w}{10/1/23}$