

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

WRIT PETITION NO: 44133 OF 2022

Between:

1. Vemula Dinesh Kumar, S/o Vemula Krishna, Hindu, aged about 27 years, Occ: Pvt. Job
2. Vemula Krishna, S/o Bikshapathy, Hindu, aged about 49 years, Occ: Private Employee
3. Vemula Aruna, W/o Vemula Krishna, Hindu, aged about 49 years, Occ: House Wife
4. Vemula Rishikesh @ Rushikesh, S/o Vemula Krishna, Hindu, aged about 23 years, Occ: Student.

All are R/o 1-10-1/267/78/B, Sai Nagar colony, Kushaiguda-500062

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad
2. The SHO, P S Thonda Tirumalagiri, Suryapet District
3. The SHO, Women Police Station, Saroornagar
4. Yennam Pravalika, W/o V.Dinesh Kumar Aged about 25 years, R/o H.No. 11-9-71/302, Mini Paradise Home Lakshmi Nagar Colony, Kothapeta, Disukhnagar, Rangareddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of 2nd respondent in accepting the case and registering the complaint as well as filing of charge sheet vide CC.no.304/2022, before the Judicial First Class Magistrate, Thungaturthy as illegal and arbitrary and consequently quash the proceedings in CC.No.304/ 2022 pending before the Judicial First Class Magistrate, Thungaturthy.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in CC.No.304/2022 pending before the Judicial First Class Magistrate, Thungaturthy pending disposal of above writ petition.

Counsel for the Petitioners: SRI P.RAVI KIRAN

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for the Respondent No.4: NONE APPEARED

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**WRIT PETITION No.44133 OF 2022****ORDER:**

This Writ Petition is filed challenging the action of the respondent No.2 in accepting the case and registering the complaint and filing the charge sheet vide CC.No.304 of 2022 on the file of Judicial First class Magistrate at Thungathurthy. The offences registered against the petitioners are under Sections 498 IPC, 312 IPC and Section 3 & 4 of D.P.Act, 1961.

2. Heard both sides.
3. The petitioners are questioning the charge sheet filed by the Thirumalagiri Police, Suryapet District which was numbered as CC No. 304 of 2022 pending on the file of Judicial First Class Magistrate at Thungathurthy. The main contention of the petitioners is that respondent No.4 earlier filed a complaint before the respondent No.3, who is the SHO of the Police Station, Saroor Nagar, R.R. District. When the said case was pending investigation, the present complaint was also filed. The same was questioned before this Court by filing the writ petition in which

this Court ordered the police to follow the procedure prescribed under Section 41-A Cr.P.C. In the complaint filed before W.P.S. Saroor Nagar Police and the Thirumalagiri Police Station, the address is different. In the entire charge sheet, statement made nowhere, the defacto complainant respondent No.4 states that she was residing within the jurisdiction of Thirumalagiri Police Station. Accordingly, the investigation and filing of charge sheet is bad in law.

4. As seen from the allegations in the complaint there are specific allegations against these petitioners regarding taking of dowry of Rs.20 lacs, gold, jewelry and subsequently several acts of violence which was committed by husband and others. However, without going into the facts of the case, learned counsel states that the police Thirumalagiri had no jurisdiction.

5. I did not find any reason to quash the proceedings on the ground of jurisdiction after cognizance is taken by the competent Court, jurisdictional issue can be determined by the concerned trial Court.

6. Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/-K.SREERAMA MURTY
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to SRI P.RAVI KIRAN, Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad[OUT]
3. Two CD Copies

BSR

BS

HW

HIGH COURT

DATED: 12/12/2022

ORDER

WP.No.44133 of 2022



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

6
17/1/23
Hv4