

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

MONDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11318 OF 2022

Between:

1. Ali Mohammed Khan, S/o Late Dilshad Khan, Age. 55 years, Occ. Nil, R/o H. No. 67, Jafar Nagar, Teachers Colony, Nagpur-44033.
2. Faiz Khan, W/o Ali Mohammed Khan, Age. 50 years, Occ. Nil, R/o H. No. 67, Jafar Nagar, Teacher's Colony, Nagpur-44033

...Petitioners/A2&A3

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad.
2. Smt. Sadia Begum, W/o. Aman Mohammed Khan, Age. 25 years, Occ. Housewife, Presently R/o. H.No. 9-4-86/98, Salarjung colony, Tolichowki, Hyderabad

...Respondent/De-fact 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. 35 of 2018 pending on the file of XIII ACMM, 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. 35 of 2018 pending on the file of XIII ACMM, 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 GULAM RABBANI, Advocate for the Petitioners and the Public Prosecutor for the State of Telangana 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.11318 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.2 and 3 seeking to quash the proceedings against them in C.C.No.35 of 2018 pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. The offences alleged against them are under Sections 498-A of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioners-Accused Nos.2 and 3 and learned Additional Public Prosecutor for the respondent - State. Perused the record.

3. Learned counsel for the petitioners confined his prayer to dispense with the personal appearance of petitioners - Accused Nos.2 and 3 as they are aged 55 and 50 years respectively, due to which they are facing difficulty in attending the Court on each and every date of hearing.

4. Considering the submission of learned counsel for the petitioners, the attendance of the petitioners – Accused Nos.2 and 3 is dispensed with in C.C.No.35 of 2018 pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, when represented by their counsel on record. The attendance of the petitioners – Accused Nos.2 and 3 is dispensed subject to filing affidavits by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and shall not dispute their identity also. However, the petitioners shall appear before the learned Magistrate as and when their presence is required. In the event of failure of the petitioners to appear when the Court directs, this order dispensing their attendance shall stand cancelled.

5. Accordingly, the Criminal Petition is disposed of. Needless to say, in the event of the petitioners filing an application under Section 239 of Cr.P.C. seeking discharge, the concerned Court shall dispose it of on merits.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- G. SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate, at Manoranjan Complex Nampally, Hyderabad.
2. The Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OU)
3. One CC to SRI. GULAM RABBANI, Advocate [OPUC]
4. Two Spare Copies.
5. Two CD Copies.

KAM

HIGH COURT

KSJ

DATED:19/12/2022

ORDER

CRLP.No.11318 of 2022



DISPOSING OF THE CRIMINAL PETITION.

(7) VLV
4/1/23