

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

**TUESDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11698 OF 2022

Between:

1. G. Prakash, S/o.Late. Eshwaraiah, Age 52 years, Occ: Pvt Employee, R/o.H.No.18-1-297/113A Shivaji Nagar, Uppuguda, Charminar, Hyderabad.
2. Vadakattu Rajeshwari, W/o.Vadakatu Santosh Kumar, Age 28 years, Occ: Housewife, R/o.H.No.9-152/1, MM Court, Gajwel, Medak District

...Petitioner/Accused Nos. 2 & 3

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court of Telangana at Hyderabad.
2. Polishetty Mounika, D/o.Lingaiah, Age 28 years, Occ: Housewife, H.No.6-3-193/19, Adarshnagar, Pillar NO.311, Aramghar, Rajendranagar, Rangareddy District

...Respondents/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 Call for the records pertaining to Charge-sheet in CC.No.4434/2021, On the file of the Hon'ble XI Additional Metropolitan Magistrate, cum Principal Junior Civil Judge at Rajendranagar (Old No.CC.No.1662 /2021 on the file of XIV AMM, Cyberabad at Rajendranagar) and quash the same.

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 of all further proceedings Charge-sheet in CC.No.4434/2021, On the file of the Honble XI Additional Metropolitan Magistrate, cum Principal Junior Civil Judge at Rajendranagar (Old No.CC.No.1662/2021 on the file of XIV AMM, Cyberabad at Rajendranagar).

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri D.Y.N.L.N CHARYULU, Advocate for the Petitioner and the Additional Public Prosecutor (TG/AP) 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.11698 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 to quash the proceedings against them in C.C.No.4434 of 2021 pending on the file of learned XIV Additional Metropolitan Magistrate, Cyberabad at Rajendra Nagar, Ranga Reddy District. The offences alleged against them are under Sections 498-A of Indian Penal Code (for short "IPC") and Sections 3, 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the record.

3. A perusal of the record would reveal that, the 2nd respondent was married to Accused No.1. Later, Accused No.1 and his family members harassed 2nd respondent physically and mentally for additional dowry and threatened 2nd respondent with dire consequences. 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 C.C.No.4434 of 2021 pending on the file of learned XIV Additional Metropolitan Magistrate, Cyberabad at Rajendra Nagar, Ranga Reddy District, against the petitioners herein.

4. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioners herein – Accused Nos.2 and 3 is dispensed with in C.C.No.4434 of 2021 pending on the file of learned XIV Additional Metropolitan Magistrate, Cyberabad at Rajendra Nagar, Ranga Reddy District, when represented by their counsel on record. The attendance of the petitioners-accused Nos.2 and 3 is dispensed with subject to filing an affidavit by the petitioners 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 of.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XIV Additional Metropolitan Magistrate, Cyberabad at Rajendra Nagar, Ranga Reddy District

2. The Station House Officer, Rajendra Nagar Police Station, Cyberabad
3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. D.Y.N.L.N. CHARYULU, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

KS,J

DATED:27/12/2022



ORDER

CRLP.No.11698 of 2022

DISPOSING THE CRIMINAL PETITION.

⑧ Copies

Srn

12/01/23