

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

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11869 OF 2022

Between:

1. Padala Thulasi, W/o. P. Kondala Rao, aged 51 year, Occ: Housewife, R/o. H.No.10- 148/4, SC,ST Colony Vishalakshi nagar, Kailasagiri, Visakhapatnam, A.P
2. Padala Kondala Rao, S/o.late Mutyalu, aged 56 years, Occ: AR Head Constable, R/o.H.No.10-148/4, SC,ST Colony Vishalakshi nagar, Kailasagiri, Visakhapatnam, A.P.
3. Nandela Pushpalatha @ Pushpa, W/o. Santhosh Kumar, Aged 26 years, Occ: Housewife, R/o. H.No. 14-9-51, Sagi Subbaraju Street, Anakapalle, Visakhapatnam District, A.P.
4. Kolamuri Govindamma, W/o. late Nookarju, Aged 68 years, Occ: Household, R/o. H.No. 1-14-3, Anji Colony, Gandhi Nagar, Anakapally, Vishakhaatnam District, A.P.

...Petitioner/A2 to A5

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. Smt. Raghumudri Navya, W/o. Padala Santhosh Kumar, Aged 28 years, Occ: Housewife, R/o.H.No.6-1-126, Ambica Colony, Near Anjaneya Swamy Temple, Balanagar, Cyberabad. Himayath Nagar, Hyderabad

...Respondents

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 petitioner /A2 to A5 in C.C.No- 6967 of 2022 on the file of the Honble II Additional Junior Civil Judge-cum-XIII Additional Metropolitan Magistrate Court, Medchal-Malkajgiri District, at Kukatpally Cyberabad.

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 all further proceedings including personal appearance of the petitioners/A2 to A5 in C.C.No- C.C.No- 6967 of 2022 on the file of the Honble II Additional Junior Civil Judge-cum-XIII Additional Metropolitan Magistrate Court, Medchal-Malkajgiri District, at Kukatpally, Cyberabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M. PHANI KUMAR, Advocate for the Petitioner and the Additional Public Prosecutor 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.11869 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 to 5 to quash the proceedings against them in C.C.No.6967 of 2022 pending on the file of learned II Additional Junior Civil Judge-cum-III Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kukatpally. The offences alleged against them are under Sections 498-A of IPC and Sections 3, 4 of D.P.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 married accused No.1 on 29.08.2018. Later, accused No.1 and his family members started harassing 2nd respondent physically and mentally for want of 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.6967 of 2022 pending on the file of learned II Additonal Junior Civil Judge-cum-III Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kukatpally, 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 to 5 is dispensed with in C.C.No.6967 of 2022 pending on the file of learned II Additonal Junior Civil Judge-cum-III Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kukatpally, when represented by his counsel on record. The attendance of the petitioners-accused Nos.2 to 5 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/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR

C-112
SECTION OFFICER

To,

1. The XIII Add tional Metropolitan Magistrate, Medchal Malkajgiri District at Kukatpally.
2. The Station House Officer, Balanagar Police Station \, Medchal District.

3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. M. PHANI KUMAR, Advocate [OPUC]
5. Two CD Copies

PSR



HIGH COURT

KS,J

DATED:30/12/2022

ORDER

CRLP.No.11869 of 2022



THE CRIMINAL PETITION IS DISPOSED OFF.

(8) VW
18/1/23