

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

**THURSDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 9718 OF 2016

Between:

1. Gattu Suman Babu,, S/o G. Uday kumar, Occ- Private Employee, R/o. Bothuguda, Nalgonda, Nalgonda District.
2. G. Uday Kumar, S/o. G. Premnath, Occ- Business, R/o. Bothuguda Nalgonda, Nalgonda District
3. Gattu Laxmi, W/o. Uday Kumar, Occ- Housewife, R/o. Bothuguda Nalgonda, Nalgonda District

...Petitioner/Accused Nos.1 & 3

AND

1. The State of Telangana, ,, Represented by its Public Prosecutor, High Court of Telangana, Hyderabad.
2. Smt. Mulakala Nagalaxmi, D/o. Narahari, Occ- Govt. Employee, R/o. Nalgonda, Nalgonda District.

...Respondents/Complainants

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 Crime No.766 of 2016 on the file of the II Metropolitan Magistrate, L.B.Nagar, Cyberabad.

I.A. NO: 2 OF 2016(CRLPMP. NOs: 10501, 12706, 14731, & 16750 OF 2016)

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 extend the interim order of stay of all further proceedings including arrest of the petitioners in Crime No.766/2016 granted on 05-07-2016 in CRC. 9718/2016, 12706/2016 dated 04-08-2016 on the file of the II Metropolitan Magistrate, LB.Nagar, Cybnerabad (PS LB Nagar, Cyberabad) Pending disposal of the Criminal Petition.

I.A. NO: 5 OF 2016(CRLPMP. NO: 15141 OF 2016)

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 vacate the interim order dated 05-07-2016 which has been extended for one month by order dated 04.08.2016 passed in Crl.P.MP.No.12706 of 2016 and dismiss the Crl.P.No.9718 of 2016.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B. SHIVA KUMAR, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri. VIVEK JAIN, Advocate for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.9718 OF 2016

ORDER:

The Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioners/Accused Nos.1 to 3 to quash the proceedings in Crime No.766 of 2016 on the file of the II Metropolitan Magistrate, L.B Nagar, Cyberabad, for the offence punishable under Section 420, 376 of Indian Penal Code and Section 3 (i) (xi) of SC/ST Act.

2. Heard learned counsel for the petitioners and learned Public Prosecutor for the Respondent No.1 and perused the record.

3. The petitioners are arrayed as Accused Nos.1 to 3. Petitioner No.1 and Respondent No.2/*de facto* complainant got acquainted with each other. The *de facto* complainant was earlier married and was having 11 year old daughter. She informed the same to petitioner No.1 and petitioner No.1 stated that he did not bother about her previous life. Respondent No.2's daughter birthday was performed by

petitioner No.1 and thereafter he took respondent No.2 to Kanchipuram and married her in the temple. They lead life happily for some days by taking on rent a house at L.B Nagar. Initially she was taken good care by the petitioner No.1. However, when the petitioner Nos.2 and 3, who are the parents of petitioner No.1 came to know about the relation, they scolded the respondent No.2 in un-parliamentary language.

4. As far as the petitioner Nos.2 and 3 are concerned, except for the allegation that they scolded the respondent No.2, there are no other allegations. None of the ingredients under Section 420 of IPC are made out against the petitioner Nos.2 and 3. Accordingly, the proceedings against the petitioner Nos.2 and 3 are hereby quashed.

5. However, the investigation shall go on against the petitioner/accused No.1. It is submitted by learned Public Prosecutor that in view of interim order granted by this Court on 17.10.2016, there is no progress in investigation.

6. Since the case is of the year 2016 and as the learned Public Prosecutor has opposed to quash the proceedings against the petitioner/accused No.1, it is appropriate to direct the police to conclude investigation against petitioner/accused No.1 without arresting him.

7. This Criminal Petition is accordingly, allowed in part.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/ K. AMMAJI
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The II Metropolitan Magistrate, L.B.Nagar, Cyberabad.
2. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI. B. SHIVA KUMAR, Advocate [OPUC]
4. One CC to SRI. VIVEK JAIN, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

PSR

HIGH COURT

KS,J

DATED:10/08/2023

ORDER

CRLP.No.9718 of 2016



CRIMINAL PETITION IS ALLOWED IN PART.

⑨ VLV
20/12/23