

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

THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 97 OF 2023

Between:

1. Lingampally Rajamma, W/o. Kistaiah
2. Lingampally Kistaiah, S/o. Rajaiah
3. Kavvampalli Laxmi, W/o. Ravi
4. Gudise Mamatha, W/o. Bharath
5. Kavvampalli Ravi, S/o. Maraiah
6. Gudise Bharath, S/o. Rajaiah

...PETITIONERS/RESPONDENTS 2 TO 7

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court Buildings, High Court of Judicature at Hyderabad
2. Lingampally @ Bejjanki Anitha, W/o.Laxman, aged about 33 years, Occ. House Wife, R/o. H.No.3-7-56, Indira Nagar, Locality of Karimnagar Town and District, Presently Residing at H.No.3-90, Gopalapuram Village, Karimnagar Mandal, Karimnagar District

...RESPONDENT/PETITIONER

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 in D.V.C.No. 120 of 2022 on the file of the court of Judicial Magistrate of First Class (PCR) at Karimnagar and quash the same as abuse of process of law in so far as the Petitioners/respondents 2 to 7 are concerned.

I.A. NO: 2 OF 2023

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 grant stay of all further proceedings including appearance of the petitioners/respondents 2 to 7 herein in D.V.C.No. 120 of 2022 on the file of the court of Hon'ble Judicial Magistrate of First Class (PCR) at Karimnagar, pending disposal of the above Criminal Petition.

I.A. NO: 1 OF 2023

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 dispense with the filing of certified copy of petition in D.V.C.No. 120 of 2022 on the file of the court of Hon'ble Judicial Magistrate of First Class (PCR) at Karimnagar for time being.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAVI KUMAR VADLAKONDA, Advocate for the Petitioner and the 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.97 OF 2023****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.1 to 3 to quash the proceedings against them in DVC No.253 of 2022 pending on the file of IV Metropolitan Magistrate at Manoranjan Complex, Nampally, Hyderabad. The offences alleged against them are under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short 'Act, 2005').

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. A perusal of record would reveal that, the marriage of 2nd respondent with one Lingampally Laxman was performed on 10.05.2018 and thereafter matrimonial disputes arose between them. The 1st and 2nd petitioners are aged mother and father of the 1st respondent in D.V.C.No.120 of 2022 who are aged 78 and 73 years respectively.

4. The allegations leveled against petitioners are triable issues. The petitioners herein have to face trial and prove their innocence. In view of the same, this Court is not inclined to quash the proceedings in

D.V.C.No.120 of 2022 against the petitioners herein. However, in matrimonial disputes the identification of parties is not in dispute.

5. The main grievance of petitioners is that they are residents of Prakasam District and it would be difficult for them to attend the Court on every date of hearing, accordingly their presence before the Court below in the above DVC has to be dispensed with.

6. In view of the above discussion, the attendance of the petitioners herein – Respondents 2 to 7 is dispensed with in D.V.C.No. 120 of 2022 pending on the file of Hon'ble Judicial Magistrate First Class(PCR) at Karimnagar, when represented by their counsel on record. The attendance of the petitioners is dispensed 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.

7. Accordingly, the Criminal Petition is disposed off. 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 off on merits in view of the judgment rendered by the Hon'ble Supreme Court in case of ***Bhushan Kumar and another vs. State (NCT of Delhi) and another***¹.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- G. SIREESHA

ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Judicial Magistrate of First Class (PCR) at Karimnagar, Karimnagar District
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies
4. One CC to SRI. RAVI KUMAR VADLAKONDA Advocate [OPUC]

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¹ (2012) 5 SCC 424

HIGH COURT

KS, J

DATED: 05/01/2023



ORDER

CRLP.No.97 of 2023

Disposing of the Criminal Petition

⑦

PM

24/1/23