

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

**TUESDAY THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 322 OF 2023

Between:

Kannoju Swaroopa, W/o. Eshwariah, Age. 56 years, Occ. Housewife, R/o. H.no. 1-4-9/503, Angadi Bazar, Jagtial Town and District

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, rep.by its Public Prosecutor High Court of Telangana, Hyderabad, Telangana State.
2. Kannoju Anasoorya., W/o. Eshwariah, Age. 58 years, Occ. House wife, R/o. Shivalayam Street, Husnabad Town and District.

...RESPONDENT No.1 and 2

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 D.V.C. No. 28 of 2022 Proceedings against the petitioner on the file of the Hon'ble Pri. Judicial Magistrate of First Class at Husnabad.

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 stay all further proceedings in D.V.C. No. 28 of 2022 proceedings against the petitioner on the file of the Hon'ble Pri. Judicial Magistrate of First Class at Husnabad including personal appearance of the petitioner, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri ANNNAMPELLI GANGADHAR, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2.

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.322 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 petitioner-Respondent No.2 to quash the proceedings against her in DVC No.28 of 2022 on the file of Prl.Judicial Magistrate of First Class at Husnabad. The offence alleged against them is under Section 12 of Protection of Women from Domestic Violence Act, 2005 (for short 'Act, 2005').

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.
3. Though the petitioner has raised several grounds to quash the proceedings in the aforesaid DVC, learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner, in the aforesaid DVC case before the trial Court.
4. Keeping in view that the petitioner is aged about 56 years, this Criminal Petition is disposed off with the following directions:

i) The attendance of the petitioner – Respondent No.2 is dispensed with in DVC No.28 of 2022 on the file of Prl.Judicial Magistrate of First Class at Husnabad, when represented by her counsel on record.

ii) The attendance of the petitioner is dispensed subject to filing an affidavit by the petitioner stating that in her absence the proceedings conducted by her counsel will not be disputed by her in any manner and shall not dispute her identity also.

iii) However, the petitioner shall appear before the learned Magistrate as and when her presence is required. In the event of the petitioner failure to appear when the Court directs, this order dispensing her attendance shall stand cancelled.

5. Needless to say, the petitioner is at liberty to file an application seeking discharge before the concerned Court. In the event of such application being made, 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, within a period of four weeks from the date of filing.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Judicial Magistrate of First Class at Husnabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
3. One CC to: SRI ANNNAMPELLI GANGADHAR, Advocate [OPUC]
4. Two CD Copies

DL

NJB

¹ (2012) 5 SCC 424.

HIGH COURT

KS,J

DATED:10/01/2023

ORDER

CRLP.No.322 of 2023



CRIMINAL PETITION IS DISPOSED OFF

⑦
MA
20/1/23