

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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 539 OF 2023

Between:

1. Smt Fatimunnisa Begum, w/O Khaja Moinuddin Khan, aged about 70 yrs, Occ Housewife, R/o H.No. 13-6-434/A/147, Sardar Bagh, Post Office, Golconda, Langar Houz, Hyderabad
2. Khaja Nadeem Khan, S/o Khaja Moinuddin Khan, aged about 32 yrs. Occ Business, H.No. 13-6-434/A/147, Sardar Bagh, Post Office, Golconda, Langar Houz, Hyderabad.

...PETITIONERS/A3 AND A4

AND

1. The State of Telangana, through its Public Prosecutor, high Court, Hyderabad
2. Syed Rayees Ahmed, S/o Late Syed Ibrahim, aged about 65 yrs, Occ Business, Rio Flat No. 4, Building No. 62, Opposite Vijaynagar College of Commerce, Vijay Nagar Colony, 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 call for the entire records relating to C.C. No. 284 of 2018, Pending on the file of Learned XIII addl. Chief Metropolitan Magistrate, Nampally Hyderabad.

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 C.C.No. 284 of 2018, pending on the file of Learned XIII addl. Chief Metropolitan Magistrate Hyderabad at Nampally.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHAMMAD ADNAN, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1, and None Appeared for Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.539 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.3 and 4 to quash the proceedings against them in C.C.No.284 of 2018 pending on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad. The offences alleged against them are under Sections 498-A and 420 of Indian Penal Code (for short "IPC") and Section 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. Though the petitioners have raised several grounds to quash the proceedings in the aforesaid case, learned counsel for the petitioners requested this Court to dispense with the appearance of the petitioners, in the aforesaid case before the trial Court.

4. Considering the submission of learned counsel for the petitioners; the Criminal Petition is disposed off with the following directions:

- i) The attendance of the petitioners – Accused Nos.3 and 4 is dispensed with in C.C.No.284 of 2018 pending on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad, when represented by their counsel on record.
- ii) The attendance of the petitioners is dispensed subject to filing affidavits by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and shall not dispute their identity also.
- iii) 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 shall stand cancelled.

5. Needless to say, the petitioners are 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, within a period of four weeks from the date of filing.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, Womens Police Station ,CCS,Hyderabad
3. Two CCs to PUBLIC PROSECUTOR , High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. MOHAMMAD ADNAN Advocate [OPUC]
5. Two CD Copies

EDS

BSR

HIGH COURT

DATED:19/01/2023



ORDER

CRLP.No.539 of 2023

DISPOSING OF THE CRIMINAL PETITION

8
10/2/23
RSP