

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

**MONDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 879 OF 2023

Between:

Kiran Kumar, S/o Koteshwar Rao, Aged about 41 years, Occ. Business, R/o Ameenpeta, Nekkonda Mandal, Mahabubabad District Presently residing at Kampala Uganda Country.

...PETITIONER/A-1

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Garikapati Swarna Kumari, W/o Kiran Kumar Aged about 38 years, Occ.Private Employee (Working at Abacus Pharma (A) Ltd.) Plot No.8, Titanic Plaza, John's Tone Street, Kampala, Uganda R/o Kampala, Uganda Country.

...RESPONDENTS/COMPLAINANT

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 relating to the FIR No.246 of 2021 on the file of the Dornakal MBBD Police Station, Mahabubabad and quash the same.

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 stay all further proceedings in FIR No.246 of 2021 on the file of the Dornakal MBBD Police Station, Mahabubabad against the Petitioner/A-1, pending disposal of the criminal petition.

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

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.879 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-Accused No.1 to quash the proceedings against him in FIR No.246 of 2021 pending on the file of Station House Officer, Dornakal (MBBD) Police Station, Mahabubabad District, filed for the offences punishable under Sections 498-A and 506 of Indian Penal Code (for short "IPC") and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioner – Accused No.1 and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

3. Learned counsel for the petitioner submits that the case was initially registered and thereafter, on issuance of notices under Section 41-A of Cr.P.C., the petitioner appeared before the police and assisted investigation. However, he was sent to judicial custody. He further submits that charge sheet was already filed and the police have shown this petitioner as absconding.

4. Several grounds are raised by the petitioner to quash the proceedings including ground of jurisdiction. However, this Court is not inclined to get into the aspect of jurisdiction since offence under Section 498-A of IPC is a continuing offence and the marriage has taken place here in India and certain allegations are leveled against the petitioner which do fall within the jurisdiction of Dornakal Police Station.

5. However, considering the submission of learned counsel for the petitioner – Accused No.1, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.246 of 2021 pending on the file of Station House Officer, Dornakal (MBBD) Police Station, Mahabubabad District, to conclude investigation without taking any coercive steps against the petitioner – Accused No.1. Further, the police are directed not to harass this petitioner under the garb of filing a charge sheet against this petitioner. The petitioner – Accused shall co-operate with the Investigating Officer as and when required for the purpose of investigation.

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Dornakal (MBBD) Police Station, Mahabubabad District.
2. Two CCs to the Public Prosecutor, High Court for the state of Telangana at Hyderabad (OUT)
3. One CC to SRI. VEERA BABU GANDU, Advocate [OPUC]
4. Two CD Copies

PR/DL.

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HIGH COURT

DATED:30/01/2023

ORDER

CRLP.No.879 of 2023



DISPOSING OF THE CRIMINAL PETITION

7 Copies
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17/2/23