

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

Criminal Petition No.713 of 2019

Between:

Jahangir Mohammed Miyan, S/o. Mohammed Babu Miyan aged 33 years, Occ. Software Professional, R/o. H.No. 8-1-40/A/10, Samatha Colony, Hyderabad. Presently residing at Ro. 6851, Oldwaterloo, Rd Apt 1403, Elkridge, MD 21075, USA Rep. by GPA holder Md.Jahangir, S/o. Mahaboob Ali, aged 40 years, R/o. H.No. 16-69, Rodamistri Nagar, Shapur Nagar, Hyderabad.

...Petitioner/Accused.

And

1. The State of Telangana, Rep.by its Public Prosecutor, High Court at Hyderabad.
...Respondent.
2. Smt.Fatima Firdose Syeda, W/o. Jahangir Mohd. Miyan, Occ. Software Professional, R/o. H.No. 9-4-86/86, Salargunj, Tolichowki, Hyderabad.
...Respondent/Defacto Complainant.
3. Syed Qudrath Ali, S/o. Syed Turab Ali, aged 65 years, Occ. government Employee, R/o. H.No. 9-4-86/86, Salargunj, Tolichowki, Hyderabad.
...Respondent/L.W.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 proceedings in C.C.No.278/2014 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad in the interest of justice.

I.A. NO: 2 OF 2019

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 execution of Non bailable warrant issued against the petitioner in C.C.No.278/2014 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, pending disposal of the above Cr.P. in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P.Nagendra Reddy, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent Nos.2 and 3 not appearing in person or through their counsel.

The Court made the following: **ORDER**

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.713 OF 2019

ORDER:

1. The petitioner is A1 questioning the continuance of the criminal case against him under Section 498 A of IPC and Sections 3 & 4 of Dowry Prohibition Act in C.C.No.278 of 2014 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad.
2. The case was split up against this petitioner since he was absconding and was living in United States. The trial Court examined P.W.1, who is the father of the victim and marked Exs.P1 to P4. P.W.1 deposed before the Court and issues were settled in between the spouses and he had no grievance against the accused including this petitioner/A1. The notarized power of attorney was marked as Ex.P1. On the basis of the statement made by P.W.1 that the matter was settled out of Court and he had no grievance against all the accused, the Court found that P.W.1 had not supported the case of the prosecution and acquitted A2 and A3.
3. Since the case was split up against this petitioner, the case is pending before the trial Court.
4. Against the order of acquittal, no appeal was preferred. Further, it is the case of P.W.1, who is the father of the victim that

he has no grievance against all the accused. In the said circumstances, no useful purpose would be served if the case is kept pending against this petitioner and asked to undergo trial, which would be waste of criminal Court's time, which is already burdened with criminal matters.

5. Considering the statement of the father of the victim that they have no grievance against this petitioner also, the proceedings against the petitioner in C.C.No.278 of 2014 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, are hereby set aside.

6. Accordingly, the Criminal Petition is allowed. Consequently, miscellaneous applications pending, if any, shall stand disposed.

SD/- C.PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate (Mahila Court), Hyderabad.
2. The Station House Officer, Golconda Police Station, Hyderabad.
3. One CC to Sri P.Nagendra Reddy, Advocate [OPUC].
4. One CC to the Public Prosecutor, High Court Buildings, Hyderabad [OPUC].
5. Two CD Copies

JCK

NS



HIGH COURT

KS,J

DATED:02/11/2023

ORDER

CRLP.No.713 of 2019



Allowing the Criminal Petition.

73 Copies
Bm
20/12/23