

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

**THURSDAY ,THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1050 OF 2023

Between:

1. M. Srikanth S/o. Late Muduthana Palli Prabhakar, Aged about 37 Years, Occ- Software Employee, R/o. Flat No.402, Rao Venkata Rao Residency, Plot No.4, Madhavaram Colony, Allwyn Colony, Phase-I, Kukatpally, Hyderabad
2. M. Vijaya Lakshmi, W/o. Late Muduthana Palli Prabhakar, Aged about 65 Years, Occ- Housewife, R/o. Flat No.402, Rao Venkata Rao Residency, Plot No.4, Madhavaram Colony, Allwyn Colony, Phase-I, Kukatpally, Hyderabad

...PETITIONERS/RESPONDENTS

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Telangana.
2. Smt. Pranitha Pannati, W/o. Srikanth D/o. Late Pannati Rajamouli, Aged about 33 Years, Occ- Consultant Physiotherapist, R/o. Kranthinagar colony, Bachupally(M), Medchal-Malkajgiri District.
3. Viyanash S/o. Srikanth Aged about 4 Years, Occ- House Wife, Rep. by natural mother Smt. Pranitha Pannati W/o. Srikanth D / o. Late Pannati Rajamouli, Aged about 33 Years, Occ- House Wife, R/o. Kranthinagar colony, Bachupally(M), Medchal-Malkajgiri District.

...RESPONDENT/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 quash all further proceedings including the interim maintenance granted to Respondent No.2 & 3 in connection with DVC No.40/2022 on the file of the PJ CJ-Cum XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kukatpally pending disposal of the main 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 suspend the order passed by PJ CJ-Cum XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kukatpally in DVC No.40/2022 on 29.11.2022 by granting maintenance to Respondent No.2 & 3 in connection with DVC No.40/2022 on the file of the PJ CJ-Cum XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kukatpally pending disposal of the main criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PADALA PRAVIN KUMAR, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent Nos. 2 & 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1050 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-Respondent Nos.1 and 2 to quash the proceedings against them in DVC No.40 of 2022 on the file of Pr.Junior Civil Judge-cum-XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District. The application filed under Section 12 of Protection of Women from Domestic Violence Act, 2005 against the petitioners.

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 DVC, learned counsel for the petitioners requested this Court to dispense with the appearance of the petitioners, in the aforesaid DVC case before the trial Court.

4. In view of the aforesaid submission of the learned counsel for the petitioners, this Criminal Petition is disposed off with the following directions:

- i) The appearance of the 2nd petitioner – Respondent No.2 is dispensed with in DVC No.40 of 2022 on the file of Pr.Junior Civil Judge-cum-XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District, when represented by her counsel on record.
- ii) The appearance of the 2nd petitioner is dispensed subject to filing an affidavit 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 2nd petitioner shall appear before the learned Magistrate as and when her presence is required. In the event of the 2nd petitioner failure to appear when the Court directs, this order dispensing her appearance shall stand cancelled.
- iv) No such relief is granted as far as 1st petitioner – Accused No.1 is concerned and he shall appear before the trial Court on every date of hearing without fail.

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 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.

//TRUE COPY//

Sd/- K. VENKAIAH
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The PJ CJ-Cum XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Kukatpally
2. The Xth Additional Metropolitan Magistrate, Cyberabad at Kukatpally
3. The XV Additional District and Sessions Judge-Cum-XV Additional Metropolitan Sessions Judge-Cum-II Additional Family Judge, R.R. District. Kukatpally
4. The II AJCJ-Cum-X Additional Metropolitan Magistrate Kukatpally, Cyberabad
5. The III Additional Family Court, Ranga Reddy District
6. The Judge Family Court at Malkajgiri
7. The Station House Officer, Bachupally Police Station, Cyberabad
8. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
9. One CC to SRI. PADALA PRAVIN KUMAR, Advocate [OPUC]
10. Two CD Copies

VH

¹ (2012) 5 SCC 424

HIGH COURT

KS, J

DATED: 02/02/2023

ORDER

CRLP.No.1050 of 2023



DISPOSING OF THE CRIMINAL PETITION

(13) VLW
20/2/23