

**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: 1055 OF 2023

Between:

1. Mr. Rakesh Kadaverugu, S/o D. Ashok, Aged 35 Years, Occ. Senior Scientist, CSIR National Environmental Engineering Research Institute, Nagpur, R/o. Type IV/06, NEERI Colony, Nagpur - 440020, Maharashtra Permanent residence. R/o. 5-9-114/C-3 Green Square Residency, Hanmakonda Warangal Telanagana - 506001.
2. Mr K. Ashok, S/o. Sri Sathaiah, Aged 59 Years, Occ. Govt. Employee, R/o Plot No. 57, Sai Sadan Vihar Homes, Opp. Nexa Showroom, Nalgonda Telangana - 508001.
3. Mrs. K. Bhargavi, W/o Sri. K. Ashok, Aged 48 Years, Occ. House Wife, R/o Plot No. 57, Sai Sadan Vihar Homes, Opp. Nexa Showroom, Natgonda Telangana - 508001.

...PETITIONERS/ACCUSED No.1 to 3

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court of Telangana at Hyderabad.

...RESPONDENT No.1

2. Smt. K. Srija, W/o Sri. K Rakesh, Aged 29 Years, Occ. Housewife, R/o Plot No. 72, Flat No. 402 Flora Arcadia Apartment, Deeptisrinagar, Madinaguda, Miyapur, Hyderabad, Telangana - 500049.

...RESPONDENT No.2 /DEFACTO 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 the impugned Charge sheet CC No. 6139 of 2022 against the FIR No. 845 of 2022 (on the file of P.S. Miyapur) dated 02.07.2022 which is on the file of Hon'ble VIII ADDL, Metropolitan Magistrate at Kukatpally, Cyberabad. For the alleged offences under Sections U/s 498-A of IPC and 3,4 of Dowry Prohibition Act, 1961 against the petitioners herein in the interest of

justice and pass such other relief as this Hon'ble court may deem fit and proper in the circumstances of the case.

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 grant stay of all further proceedings in CC No. 6139 of 2022 dated 02.08.2022 which is on the file of Hon'ble VIII ADDL, Metropolitan Magistrate at Kukatpally, Cyberabad pending disposal of the present criminal petition in the interest of justice and equity and pass such other relief as this Hon'ble court may deem fit and proper in the circumstances of the case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RVR ASSOCIATES, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and NA for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1055 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.1 to 3 to quash the proceedings against them in C.C.No.6139 of 2022 (arising out of Crime No.845 of 2022) pending on the file of VIII Additional Metropolitan Magistrate at Kukatpally, Cyberabad. The offence alleged against the petitioners are under Section 498-A of Indian Penal Code and Sections 3 and 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. On perusal of the record, the disputes arose out of marital discord in between the *de facto* complainant and the Accused No.1.

4. 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.

5. 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 petitioners – Accused Nos.2 and 3 is dispensed with in C.C.No.6139 of 2022 (arising out of Crime No.845 of 2022) pending on the file of VIII Additional Metropolitan Magistrate at Kukatpally, Cyberabad, when represented by their counsel on record.
- ii) The appearance of the petitioners is dispensed subject to filing an affidavit 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 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.

6. 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/- L. SIVA PARVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. VIII ADDL., Metropolitan Magistrate at Kukatpally, Cyberabad.
2. SHO., Miyapur P.S., Cyberabad.
3. One CC to SRI. RVR ASSOCIATES Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

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BSR

HIGH COURT

DATED:02/02/2023



ORDER

CRL.P.No.1055 of 2023

**DISPOSING OF THE CRLP
WITHOUT COSTS**

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21/02/23
BSR