

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

**FRIDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1698 OF 2023

Between:

Md.Ahmed Pasha, S/o.Md.Abdul Razaaq, Aged about 29 years, Occ. Private Employee, k/o.Narasingapur village, Dharmaram Mandal, Peddapally District.

...PETITIONER/ACCUSED No.4

AND

1. The State of Telangana, Rep by the Public Prosecutor High Court of Judicature at Hyderabad For the state of Telangana.

...1st RESPONDENT/STATE

2. Samreen, W/o.Md.Mustafa, Aged about 25 years, Occ. Housewife, R/o.H.No.7-4-241, Kashmeergaddq, Karimnagar town and District.

...2ND 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 call for the records relating to Charge Sheet in C.c.No.1043 of 2020 on the file of Special Judicial First Class (Excise) Magistrate at Karimnagar and quash the proceedings in C.C.No.1043 of 2020

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, including appearance of the petitioner in C.C.No.1043 of 2020 on the file of Special Judicial First Class (Excise) Magistrate at Karimnagar, pending disposal of the above criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T.SHOBHA RANI, Advocate for the Petitioner and the Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1698 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/Accused 2 quash the proceedings against him in C.C.No.1043 of 2020 for the offences under Section 498-A IPC and Section 4 of Dowry Prohibition Act, on the file of Special Judicial First (Excise) Magistrate at Karimnagar.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the 1st respondent - State. Perused the record.
3. A perusal of the record would reveal that, there are disputes between the petitioner and the 2nd respondent. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioner herein. They are triable issues. The petitioner has to face trial and prove their innocence. The defences taken by the petitioner cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in C.C.No.1043 of 2020 on the file of Special

Judicial First (Excise) Magistrate at Karimnagar, against the petitioner herein.

4. In view of the aforesaid reasons, the attendance of the petitioner/accused 2 is dispensed with in C.C.No.1043 of 2020 on the file of Special Judicial First (Excise) Magistrate at Karimnagar, when represented by his counsel on record. The attendance of the petitioner is dispensed subject to filing an affidavit by the petitioner stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and also they shall not dispute his identity. However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the petitioner's failure to appear when the Court directs, this order dispensing his attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed off. Miscellaneous applications pending, if any, shall stand closed.

SD/- G. SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Spl. Judicial First Class (Excise) Magistrate at Karimnagar.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI T. SHOBHA RANI Advocate [OPUC]
4. Two CD Copies

KKS

BSR

HIGH COURT

DATED:24/02/2023



ORDER

CRLP.No.1698 of 2023

DISPOSING OF THE CRLP

7
13/03/23
BSR