

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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1718 OF 2023

Between:

1. Smt. Ayesha Sultana, W/o Mohammed John, Aged about 56 years, Occ. Housewife, R/o H.No.5-12-440/1, Srinivasa Colony, Nalgonda District
2. Mohammed John, S/o Mohammed Khasim Ali Aged about 68 years, Occ. Retd. Employee, R/o H.No.5-12-440/1, Srinivasa Colony, Nalgonda District

...PETITIONER/ACCUSED NO.2&3

AND

1. The State of Telangana, Represented by Public Prosecutor High Court for the State of Telangana, at Hyderabad
2. Smt. Afsa Samiyuna, W/o Md Muqseed, Aged about 27 years, Occ. Housewife, R/o H.No.19-3-262/50/41/A, Falaknuma, Hyderabad

...RESPONDENTS

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 against the Petitioners/Accused No.2 and, 3 in CC.No.13240/2021 before the Hon'ble XV Additional Chief Metropolitan Magistrate, Manorajan Complex, Hyderabad

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 Petitioners/Accused No.2 & 3 in CC.No.13240/2021 before the Hon'ble XV Additional Chief Metropolitan Magistrate, Manorajan Complex, Hyderabad

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M A K MUKHEED, Advocate for the Petitioner and of the Additional 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.1718 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.2 and 3 to quash the proceedings against them in C.C.No.13240 of 2021 pending on the file of XV Additional Chief Metropolitan Magistrate, Manoranjan Complex, Hyderabad. The offences alleged against them are under Sections 498-A, 406 and 506 of Indian Penal Code (for short "IPC") and Sections 4 and 6 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. Though the petitioners has 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 – accused Nos.2 and 3 as they are aged about 56

years and 68 years respectively, in the aforesaid case before the trial Court.

4. Considering the submission of learned counsel for the petitioners; the Criminal Petition is disposed off with the following directions:

- i) The attendance of the petitioners – Accused Nos.2 and 3 is dispensed with in C.C.No.13240 of 2021 pending on the file of XV Additional Chief Metropolitan Magistrate, Manoranjan Complex, Hyderabad, when represented by their counsel on record.
- ii) The attendance of the petitioners is dispensed with subject to filing affidavits by the petitioners 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 failure of the petitioners to appear when the Court directs, this order dispensing their attendance shall stand cancelled.

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, if the charges are not framed, the concerned Court shall dispose it off on merits, within a period of four weeks from the date of filing, after hearing arguments on both sides.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Additional Chief Metropolitan Magistrate, Manoranjan Complex, Hyderabad
2. The SHO, Women's P.S, South Zone, South Zone Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. M A K MUKHEED Advocate [OPUC]
5. Two CD Copies

KKS

~~1/11~~

HIGH COURT

DATED:22/02/2023



ORDER

CRLP.No.1718 of 2023

DISPOSING OF THE CRLP

10
6/3/23
HVS