

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

**FRIDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 3154 OF 2023

Between:

1. Yesu Raju Kumari, W/o Md. Khadeer Pasha, Aged about 30 years, Occ. Housewife, R/o.H.No.60-47, Sastri Nagar, Lalbazar, Tirumalgiri, Secunderabad, T.S.
2. Kamatam Varalaxmi, W/o Kamatam Yeshob, Aged About 43 Years, Occ. Housewife, R/o H.No 7-2-49/5/102, DNM Colony, Sanath Nagar, Hyderabad
3. Mohammed Khadeer Pasha Khadeer Khan, S/o late Md.Qamar Pasha, Age 34 years , Occ. Business, R/o.H.No 60-47, Sastri Nagar, Lalbazar, Tirumalgiri, Secunderabad, T.S
4. Arikatla Vijayanand, S/o.Anandam, (expired) (A5)

...PETITIONERS/ACCUSED No's: 1, 2 & 4

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court of TS, Hyderabad.
2. Smt. Arikatla Swaroopa, W/o. A. Daniel, age 41 years, Occ. House wife, R/o.H.No.21-26, Old Malkaram village, Jawahar Nagar, Shameerpet Mandal, Medchal Dist

...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 the proceedings in FIR No.45 of 2021 of P.S. Jawaharnagar in C.C.No.495 of 2021 on the file of Honourable XXIII Metropolitan Magistrate at Medchal Court, Medchal District for the offence under/ section 448, 323, 504 R/fw 34 Cr.P.C., against petitioner

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 STAY all further proceedings in FIR No.45 of 2021 of P.S. Jawaharnagar in C.C.No.495 of 2021 on the file of Honourable XXIII Metropolitan Magistrate at Medchal Court, Medchal District for the offence under sections 448, 323, 504 R/w 34 Cr.P.C., 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 M. D. AKBAR PASHA ,Advocate for the Petitioner and the Public Prosecutor 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.3154 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, 2 and 4 to quash the proceedings against them in C.C.No.495 of 2021 pending on the file of XXIII Metropolitan Magistrate at Medchal Court, Medchal District. The offences alleged against them are under Sections 448, 323, 504, r/w 34 Cr.P.C.

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 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.

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 4 are dispensed with in C.C.No.495 of 2021 pending on the file of XXIII Metropolitan Magistrate at Medchal Court, Medchal District, when represented by the counsel on record.
- ii) The attendance of the petitioners are dispensed with subject to filing an affidavit 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.
- iv) No such relief is given as far as petitioner-Accused No.1 is concerned.

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/- N CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXIII Metropolitan Magistrate at Medchal Court, Cyberabad, Medchal District
2. The Station House Officer, Jawaharnagar Police Station, Rachakonda
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana. [OUT]
4. One CC to SRI. M. D. AKBAR PASHA, Advocate [OPUC]
5. Two CD Copies

VH

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HIGH COURT

DATED: 31/03/2023



ORDER

CRLP.No.3154 of 2023

**DISPOSING OFF THE
CRIMINAL PETITION**

⑧ VLV
15/4/23