

**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: 3195 OF 2023

Between:

Ahmed Ali Khan, S/o. Late. Md. Ibrahim Ali Khan, aged 62 Years, Occ Car Driver,
Cast Muslim R/o H.No. 18-12-419/C/3503 Bala Nagar Kanchanbagh Chandrangutta
Hyderabad

...PETITIONER/ACCUSED NO.3

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court At Hyderabad.
2. Shameem Banu, W/o. Mohammed Nawaz Ali Khan, Age 37 Years, Occ Housewife, cast Muslim, R/o. H.No. 1-6-791, Zamisthanpur, Near EK Minar Masjid, Musheerabad, Hyderabad Telangana State.
3. Sub-Inspector of Police, Police Station WPS, CCS, DD, Hyderabad.

...RESPONDENTS/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 all further proceedings of CC-9363/2022 on the File of Court of the Hon'ble XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad under section 498-A IPC, 3 and 4 DP. Act, registered FIR in CCS (Dd) Women PS, Hyderabad, Pending disposal of the above Criminal Petition and pass such other order or orders

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 grant stay of all further proceedings of CC-9363/2022 on the File of Court of the Hon'ble XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad under section 498-A IPC, 3 & 4 DR FIR registered in CCS (Dd) Women PS, Hyderabad. Pending disposal of the above Criminal petition and pass such other order or orders.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri.MD.FASIUDDIN, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3195 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 petitioner - accused No.3 to quash the proceedings against him in C.C.No.9363 of 2022 pending on the file of learned XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad. The offences alleged against him are punishable under Section 498-A of Indian Penal Code (for short "IPC") and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the record.

3. Though the petitioner has raised several grounds to quash the proceedings in the aforesaid case, learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner, in the aforesaid case before the trial Court.

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

- i) The attendance of the petitioner – accused No.3 is dispensed with in C.C.No.9363 of 2022 pending on the file of learned XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, when represented by his counsel on record.
 - ii) The attendance of the petitioner is dispensed with 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 shall not dispute his identity also.
 - iii) However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the failure of the petitioner to appear when the Court directs, this order dispensing his attendance shall stand cancelled.
5. Needless to say, the petitioner is 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/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The XIII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. Two CCs to the Additional Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
3. One CC to Sri Mohd. Fasiuddin, Advocate [OPUC]
4. Two CD Copies

Kj.

CHR

HIGH COURT

DATED:31/03/2023



ORDER

CRLP.No.3195 of 2023

DISPOSING OF THE CRL.P. WITHOUT COSTS.

⑦ CHR
09/05/23