

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY ,THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 4453 OF 2023

Between:

Mohammed Waseema Tabassum @Seema, D/o Ameer, Age 23 years, Occ Beautician, R/o H.No.52-160/1, Maqdoom Nagar Jagadgirigutta, Medchal-Malkajgiri District, Telangana

.....PETITIONER/ACCUSED

AND

1. The State of Telangana, Through the SHO, Jeedimetla P.S., Rep. by the Public Prosecutor, High Court, Hyderabad
2. Smt. Audurti Sudha, W/o.A Shankar, Age 40 years, OCC Business, R/o. H.No.209, Ridge Towers Block-A, Surya nagar Chintal, Quthbullapur Mandal, Medchal District.

...RESPONDENTS/DE-FACTO 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 quash the proceedings in C.C. No. 1474 of 2022 on the file of I Additional Junior -Cum-VIII Additional Metropolitan Magistrate at Medchal-Malkajgiri U/s. 420, 408 of IPC

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 all further proceedings in C.C. No. 1474 of 2022 on the file of I Additional Junior -Cum-VIII Additional Metropolitan Magistrate at Medchal-Malkajgiri U/s. 420, 408 of IPC, including the appearance of the Accused No. 2 till the disposal of the main quash petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PILLIX LAW FIRM ,Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4453 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.2 to quash the proceedings against her in C.C.No.1474 of 2022 pending on the file of learned VIII Metropolitan Magistrate at Medchal-Malkajgiri, Cyberabad. The offences alleged against her are punishable under Sections 420 and 408 of Indian Penal Code (for short "IPC").

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.2 is dispensed with in C.C.No.1474 of 2022 pending on the file of learned VIII Metropolitan Magistrate at Medchal-Malkajgiri, Cyberabad, when represented by her counsel on record.

ii) The attendance of the petitioner is dispensed with subject to filing an affidavit by the petitioner stating that in her absence the proceedings conducted by her counsel will not be disputed by her in any manner and shall not dispute her identity also.

iii) However, the petitioner shall appear before the learned Magistrate as and when her presence is required. In the event of the failure of the petitioner to appear when the Court directs, this order dispensing her 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/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Junior -Cum-VIII Additional Metropolitan Magistrate at Medchal-Malkajgiri District
2. The Station House Officer, Jeedimetla Police Station Jeedimetla Medchal District
3. One CC to SRI. PILLIX LAW FIRM Advocate [OPUC]
4. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. **Two CD Copies**

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HIGH COURT
KSJ
DATED:28/04/2023

26 MAY 2023

ORDER
CRLP.No.4453 of 2023

DISPOSING OF THE CRIMINAL PETITION

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18/5/23