

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 5275 OF 2023

Between:

1. Chiluka Swaroopa, W/o. Prakash, aged 55 years, occ. house wife R/o. H No. 8-3-113, Gandhi Nagar, Sircilla
2. Chiluka Prakash, S/o. Late Siddiram, Occ: Business, Age: 62 years, R/o. H No. 8-3-113, Gandhi Nagar, Sircilla
3. Chiluka Shireesha @ Beda Harika, W/o. Boda Kiran Kumar, Occ: Business, aged 31 years, R/o. H No. 10-1-470/1, Chinthal basthi Khairatabad, Hyderabad
4. Boda Kiran Kumar, S/o. Ramaswamy Aged 39 years, Occ: Business, R/o., H No. 10-1-470/1 Chinthal Basthi, Khairatabad, Hyderabad

...PETITIONERS/ACCUSED No. 2 to 5

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana at Hyderabad.

...RESPONDENT

2. Kota Kalpana @ Deepa, W/o. Shiva Krishna, aged 30 years, Occ. house wife, R/o. Sriramulapeta V/o. Veenavanka Mandal, Karimnagar District

...RESPONDENT/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 proceedings in C.C. No. 757 of 2023 on the file of court of the Hon'ble II Additional Judicial Magistrate of First Class at Huzurabad, against the petitioners/ accused no. 2 to 5.

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 in C.C. No.

757 of 2023 on the file of court of the Hon'ble II Additional Judicial Magistrate of First Class at Huzurabad, including the appearance of the petitioners/ accused no. 2 to 5, 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 M/S. DEVARA SAMHITHA, Advocate for the Petitioners and Sri S. GANEESH, Assistant Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.5275 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 No.2 to 5 to quash the proceedings against them in C.C. No.757 of 2023 on the file of learned II Additional Judicial Magistrate of First class at Huzurabad registered for the offences punishable under Section 498-A of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the petitioners and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State. Perused the record.

3. The contention of the learned counsel for the petitioners is that no specific allegations are levelled against the petitioners/accused Nos.2 to 5 and therefore, it is a fit case to quash the proceedings against the petitioners for the aforesaid offences.

4. On the other hand, learned Assistant Public Prosecutor contended that after due investigation, police have filed charge sheet, therefore, it is not a fit case to quash the proceedings against the petitioners.

5. Taking into consideration that there are specific allegations levelled against accused No.1 and general allegations levelled against petitioner Nos.1 and 2/ A2 and A3, who are the parents of accused No.1 and senior citizen, and also against petitioner Nos. 3 and 4/A4 and A5, who are the sister and brother-in-law of accused No.1, residing at different places, this Court is of the considered view that the presence of the petitioners/accused Nos. 2 to 5 is dispensed with in C.C. No.757 of 2023 on the file of learned II Additional Judicial Magistrate of First class at Huzurabad, unless their presence is required by the trial Court for a specific purpose or at the time of recording their examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment. However, the petitioners are at liberty to file an application seeking their discharge from the aforesaid offences.

6. With the above said observation, Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending if any, shall stand closed.

//TRUE COPY//

Sd/- A.V.S.PRASAD
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The II Additional Judicial Magistrate of First Class at Huzurabad .
2. The Station House Officer, Veenavanka Police Station, Karimnagar District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to M/S. DEVARA SAMHITHA, Advocate [OPUC]
5. Two CD Copies

Njb

HIGH COURT

GAC, J

DATED:16/06/2023

ORDER

CRLP.No.5275 of 2023



DISPOSING OFF THE CRIMINAL PETITION.

MA
27/6/23