

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 7894 OF 2015

Between:

MS. SANGEETHA (CHIDIYA), D/o. Jagdish, Aged 35 Years, Occ Household, R/o. Chawl No.107, Bharat Nagar, Bandra East, Mumbai City.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. Public Prosecutor, High Court, Hyderabad
2. Mrs. Jyothi Ramesh Tak, W/o. Sri. Ramesh Tak, Aged 30 Years, Occ Pvt. Teacher, R/o. 21-4-899, Gulab Singh Bowli, Hyderabad

...RESPONDENTS/COMPLAINANTS

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 call for the records and quash the proceedings C.C.No. 13/2014 pending on the file of XV Addl. Chief Metropolitan Magistrate, Hyderabad.

I.A. NO: 1 OF 2015(CRLPMP. NO: 7827 OF 2015)

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.13/2014 pending on the file of XV Addl. Chief Metropolitan Magistrate, Hyderabad, pending disposal of the above CRL.P.,

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VIKRAM RAGI, Advocate for the Petitioner and of Sri Vizarith Ali, learned Asst. Public Prosecutor on behalf of the Respondent No.1 and of Respondent No.2 is not appears in personal or by Advocate.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**CRIMINAL PETITION No.7894 OF 2015****ORDER:**

The present Criminal Petition is filed seeking to quash the proceedings against the petitioner/accused No.6 in C.C.No.13 of 2014 on the file of the learned XV Additional Chief Metropolitan Magistrate, Hyderabad (for short, "the trial Court") for the offence under Section 498-A of I.P.C.

2. Heard Mr. Vikram Ragi, learned counsel for the petitioner and Mr. Vizarath Ali, learned Assistant Public Prosecutor appearing for respondent No.1 State.

3. The brief facts of the case are that the marriage between respondent No.2 and her husband/accused No.1 was performed on 03.06.2006 as per Christian rites and customs. They were blessed with one daughter during their wedlock. Respondent No.2 stated that immediately after marriage, her husband/accused No.1 and relatives of her husband (accused Nos.2 to 5) harassed her physically and mentally for want of additional dowry and abused her in filthy language. On 15.09.2009, respondent No.2 was thrown out from her matrimonial home by her husband and in-laws. Therefore, respondent No.2 started residing with her

parents. She came to know that her husband married petitioner/accused No.6 on 10.12.2010 at the Sub-Registrar Office, Bandra at Mumbai. Therefore, respondent No.2 filed the present complaint seeking to take necessary action against her husband and in-laws.

4. Learned counsel for the petitioner contended that all the allegations are leveled against accused Nos.1 to 5. The petitioner is neither the wife of accused No.1 nor related to any of the accused persons. Learned counsel relied upon the decision of the Hon'ble Supreme Court in **U. Suvetha Vs. State by Inspector of Police and another**¹ and contended that the petitioner is no way connected to accused Nos.1 to 5 either by blood or marriage or adoption and therefore, she cannot be held liable for the offence under Section 498A of I.P.C. Therefore, seeks to quash the impugned proceedings.

5. Learned Assistant Public Prosecutor submitted that this Court vide order 07.09.2015 granted interim stay of proceedings against the petitioner in C.C.No.13 of 2014 before the trial Court and the same was extended from time to time. The trial Court was granted liberty to proceed further so far as other accused

¹ (2009) 6 Supreme Court Cases 757

persons were concerned. As per the charge sheet, it is averred that the marriage between petitioner and accused No.1 was performed on 10.12.2010 at the Sub-Registrar Office, Bandra at Mumbai. Therefore, it is for the trial Court to determine whether the marriage is valid or void. By virtue of the interim order granted by this Court, further investigation with regard to the said aspect has been stalled and the real truth would be elicited only upon completion of a full-fledged trial. He further submitted that trial has already been commenced in C.C.No.13 of 2014 and the indulgence of this Court, at this stage, is unwarranted. Therefore, seeks to dismiss the Criminal Petition.

6. Having regard to the submissions made by both the learned counsel and upon perusal of the material record, this Court is of the view that the matter requires adjudication at length and only upon conclusion of a full-fledged trial, the real truth would come to light. Therefore, the trial Court is directed to conduct and conclude the trial, upon affording an opportunity of hearing to both the parties, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of the order. The appearance of the petitioner before the trial Court is dispensed with on all occasions unless and until required.

7. With the above direction, the Criminal Petition is disposed of. Needless to mention, the petitioner is at liberty to work out the remedies available under law. This order shall not preclude trial Court in passing orders in accordance with law.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Addl. Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Women Police Station, Ghansi Bazar, Hyderabad.
3. One CC to Sri Vikram Ragi, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

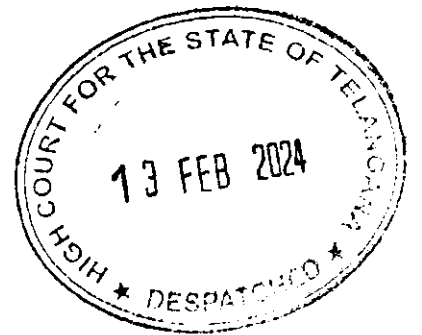
CRP BJLB

HIGH COURT

DATED: 24/11/2023

ORDER

CRLP.No.7894 of 2015



CRIMINAL PETITION IS DISPOSED OF

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