

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 6368 OF 2023

Between:

1. Matti Pragathi, W/o. Matti Praveen Kumar, Aged about 30 years Occ. Housewife. R/o H. No. 1-85, SC Colony. Kethepalli Mandalam, Nalgonda, Telangana-508211.
2. Matti Praveen Kumar, S/o. Anand, Aged about 37 years Occ. Government Employee, R/o H. No. 1-85, SC Colony, Kethepalli Mandalam, Nalgonda, Telangana-508211.

...PETITIONERS/ACCUSED No. 4 & 8

AND

1. The State of Telangana, Represented by Public Prosecutor. Through Nakrekal Police Station, High Court at Hyderabad, Hyderabad.
2. Smt. Vanguri Kavya, W/o. Vanguri Pradeep Aged about 26 years, Om Housewife, R/o. Nakrekal, Nalgonda District.

...RESPONDENTS/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 call for records relating to and in connection with C.C No. 221 of 2022, pending on the file of Judicial First Class Magistrate at Nakrekal against the petitioners and quash the same.

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 of all further proceedings of C.C No. 221 of 2022, pending on the file of Judicial First Class Magistrate at Nakrekal, against the petitioners pending disposal of the Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri GUJJARI NAVEEN KUMAR, Advocate for the Petitioner and the of Sri S. Ganesh, Learned Assistant Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No.2.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.6368 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.4 and 8 to quash the proceedings against them in C.C.No.221 of 2022 pending on the file of learned Judicial First Class Magistrate at Nakrekal, registered for the offences under Sections 498-A of Indian Penal Code (for short "I.P.C.") and Section 3 & 4 of Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioners/accused Nos.4 and 8 and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State. Perused the record.

3. It is contended by the learned counsel for the petitioners/accused Nos.4 and 8 that the petitioners/accused Nos.4 and 8 are innocent and a false case has been foisted against them by respondent No.2/*de-facto* complainant. Therefore, prayed to quash the proceedings against the petitioners/accused Nos.4 and 8.

4. On the other hand, learned Assistant Public Prosecutor contended that it is not a fit case to quash the proceedings against the petitioners/accused Nos.4 and 8 at this juncture and the matter has to be decided after conducting trial by the Court below.

5. On a perusal of the charge sheet, this Court is of the view that truth or otherwise of the allegations made against the petitioners/accused Nos.4 and 8 can be decided only after conducting trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioners/accused Nos.4 and 8.

6. Taking into consideration the fact that only general allegations are leveled against petitioners/accused Nos.4 and 8, their appearance/attendance before the learned Judicial First Class Magistrate at Nakrekal, in C.C.No.221 of 2022 is dispensed with, 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. Further, the petitioners/accused Nos.4 and 8 are at liberty to make appropriate application before the trial court seeking discharge. On such application being filed, the trial court

shall consider the same and if *prima facie* no incriminating material is available against the petitioners/accused Nos.4 and 8, the trial Court shall dispose of the same without being influenced by any of the observations made by this Court in the present order.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Nakerkal
2. The Station House Officer, Nakrekal Police Station, Nalgonda District.
3. One CC to Sri Gujjari Naveen Kumar, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

BJLB

HIGH COURT

DATED:13/07/2023

ORDER

CRLP.No.6368 of 2023



CRIMINAL PETITION IS DISPOSED OF

8
27/07/2023
[Signature]