

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY
CRIMINAL PETITION NO: 9443 OF 2023**

Between:

1. Alamandala Uppalaiah, S/o. Narsaiah, Aged 59 years, occ. Barber, R/o. Gudur Village, Gudur Mandal, Mahabubabad District.(A-2)
2. Alamandala Aruna, W/o. Uppalaiah, Aged 52 years, Occ. Housewife, R/o. Gudur Village, Gudur Mandal, Mahabubabad District. (A-3)
3. Alamandala Krishnaveni, D/o. Uppalaiah, Aged 26 years, Occ. B.Tech Student, R/o. Gudur Village, Gudur Mandal, Mahabubad District. (A-4)

...PETITIONER/ACCUSED 2 TO 4

AND

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

...RESPONDENT

2. Smt Alamandala Madhavi, W/o. Sravan Kumar, Age. 34 years, Occ. Housewife, R/o. Gudur Village, Gudur Manal, Mahabubad District, Now at Labour Colony, Warangal, Warangal 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.7315 of 2022 on the file of on the file of Principal Junior Civil Judge-Cum-Principal Judicial Magistrate of First Class at Hanamkonda for the offences u/sec. 498-A, 506 IPC R/w. Sec. 3 and 4 DP Act against the Petitioners/Accused No.2 to 4 .

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 of all the further proceedings in C.C. No.7315 of 2022 on the file of on the file of Principal Junior Civil Judge-Cum-Principal Judicial Magistrate of First Class at Hanamkonda including the appearance of the petitioners/accused no. 2 to 4, pending disposal of main Criminal Petition .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri LAXMALLA SANDEEP , Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No. 1 and NONE for the Respondent No. 2.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO.9443 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.2 to 4 to quash the proceedings against them in C.C.No.7315 of 2022 pending on the file of Principal Junior Civil Judge-cum-Principal Judicial Magistrate of First Class, Hanamkonda. The offences alleged against the petitioners are punishable under Sections 498-A and 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

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

3. It is contended by learned counsel for the petitioners that the petitioners are innocent and a false complaint has been foisted against them by the *de-facto* complainant with bald and general allegations. Learned counsel further contended that the police without duly investigating the case filed charge sheet against the petitioners. Therefore, he prayed to quash the proceedings against them.

4. On the other hand, learned Assistant Public Prosecutor contended that after due investigation, the police have filed charge sheet against the petitioners. He further contended that it is not a fit case to quash the proceedings against the petitioners at this juncture and the matter has to be decided only 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 can be decided only after conducting trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioners.

6. Taking into consideration the fact that the petitioners-accused Nos.2 and 3 are parents, petitioner-accused No.4 is sister of accused No.1 and that only general allegations are leveled against the petitioners, this Court is of the considerable view that the appearance/attendance of the petitioners-accused Nos.2 to 4 before the trial Court shall be dispensed with.

7. Accordingly, this Criminal Petition is disposed of. The appearance/attendance of the petitioners – accused Nos.2 to 4 before the Court of Principal Junior Civil Judge-cum-Principal Judicial Magistrate of First Class, Hanamkonda, in C.C.No.7315 of 2022 is dispensed with, unless their presence is required by the trial Court for a specific purpose

or at the time of recording examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment. Further, the petitioners are at liberty to move an application before the trial Court seeking to discharge them from the case. On such application being filed and if *prima facie* case is not made out against them, the trial Court shall consider the same and pass appropriate orders within a period of three (03) weeks from the date of filing of the said discharge petition without being influenced by any of the observations made by this Court in this order.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge-cum- Principal Judicial Magistrate of First Class at Hanamkonda.
2. The Station House Officer, WPS Warangal, Hanamkonda.
3. One CC to SRI. LAXMALLA SANDEEP Advocate [OPUC]
4. Two CCs to the ASSISTANT PUBLIC PROSECUTOR, High Court for the State of Telengana, at Hyderabad. [OUT]
5. Two CD Copies

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VH

HIGH COURT

DATED: 26/09/2023

ORDER

CRLP.No.9443 of 2023



**DISPOSING OF THE CRIMINAL PETITION
AT THE STATE OF ADMISSION.**

[Handwritten signature]
21/11/2023