

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: 9446 OF 2023

Between:

1. Perusomula. Pavitrnanath, S/o. Sundaresham, Aged 40 years, Occ. Unemployee, R/o. D.No. 87 /707, Ground Floor, Shabbir Plot, Kamala Nagar, Kurnool, Andhra Pradesh.
2. Vijaya Susheela, W/o. Sundaresham, Aged 70 years, Occ. House Wife, R/o. D.No. 87/707, Ground Floor, Shabbir Plot, Kamala Nagar, Kurnool, Andhra Pradesh.
3. Sundersham, S/o. Daniel, Aged 74 years, Occ. Agriculture, R/o. D.No. 87/707, Ground Floor, Shabbir Plot, Kamala Nagar, Kurnool, Andhra Pradesh.

...PETITIONER/ACCUSED Nos. 1 to 3

AND

1. The State of Telangana, Rep. by the public Prosecutor High Court of Telangana, Hyderabad.
2. Boini Pavani @ Lavnya, W/o. Perusomula. Pavitrnanath, D/o. Laxmi Narayana, Aged about 37 years, Occ. House Wife, R/o. H.No. 25-1-8/1, Kazipet, Hanumakonda, Telangana.

...RESPONDENTS

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 Crime No. 125 of 2023 dated 01/04/2023 on the file of WPS Warangal, Warangal and 130.

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 Crime No. 125 of 2023 dated 01/04/2023 on the file of WPS Warangal, Warangal.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri S. VIPLAV SIMHA REDDY, Advocate for the Petitioner and the SRI S. GANESH, 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.9446 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (for short 'Cr.P.C.') by the petitioners-accused Nos.1 to 3 to quash the proceedings in FIR No.125 of 2023 on the file of Station House Officer, WPS Warangal Police Station, Warangal District. The offences alleged against the petitioners are punishable under Sections 498-A and 506 of the Indian Penal Code (for short 'IPC') and Sections 3 and 4 of 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. 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 though the punishment which can be awarded for the offences alleged may extend to seven years and fine, notice under Section 41-A Cr.P.C. has not been issued to the petitioners. Therefore, there is every possibility of getting the petitioners arrested by the respondent-police.

4. On the other hand, learned Assistant Public Prosecutor contended that the investigation in respect of FIR No.125 of 2023 registered against the petitioners is not yet completed as such it is not a fit case to quash the proceedings in FIR No.125 of 2023 registered against the petitioners.

5. Taking into consideration that the punishment prescribed for the offences alleged against the petitioners—accused Nos.1 to 3 is less than seven (7) years of imprisonment, this Court deems it appropriate to direct the petitioners—accused Nos.1 to 3 to appear before the Investigating Officer on or before 10.10.2023 between 2:00 P.M. and 4:00 P.M. The Investigating Officer shall follow the procedure laid down under Section 41-A Cr.P.C. and also the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar vs. State of Bihar***¹ scrupulously. However, the petitioners—accused shall cooperate with the Investigating Officer as and when required by furnishing information and documents as sought by him for concluding the investigation. Further, the petitioners—accused are directed not to influence or threaten the witnesses in this case in any manner and are permitted to make their oral submissions and file documents, if any, to prove their innocence

¹ (2014) 8 SCC 273

and the Investigating Officer shall consider the same before filing the final report.

6. With the above directions, the Criminal Petition is disposed of.
Miscellaneous applications, if any pending, shall stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

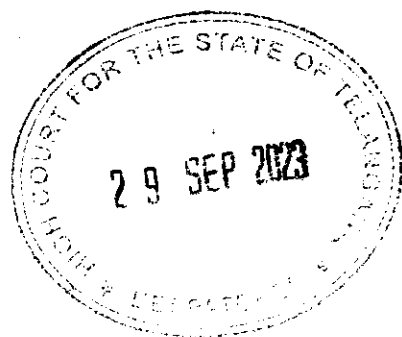
1. The Principal Junior Civil Judge-Cum-Principal Judicial Magistrate of First Class, Hanamakonda.
2. The Station House Officer, Warangal WPS (Warangal) Police Station, Warangal District.
3. One CC to SRI. S. VIPLAV SIMHA REDDY, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. Two CD Copies

DL

pmg.

HIGH COURT

DATED:26/09/2023



ORDER

CRLP.No.9446 of 2023

⑧ pma
29/9/23

Crl.P is disposed of