

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

**TUESDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 9948 OF 2023

Between:

1. Muddapu Narsimha @ Kishore, S/o. Late Basaiah, Age 62 years, Occ retired Railway Employee, R/o. H.No.6-2-326, New Boiguda, Secunderabad, 500003.
2. Muddapu Vani, W/o. Narsimha, Age 53 years, Occ House wife, R/o. H.No. 6-2-326, New Boiguda, Secunderabad, 500003.
3. Guddeti Radha, W/o. Srinivasa Rao, Age 50 years, Occ Private Employee, R/o. H.No. 1-6-39/25/1, Road No.17, Dinakar Nagar, west Venkatapuram, Alwal, Hyderabad-500015

...PETITIONER/ACCUSED NO.2 TO 4

AND

1. The State of Telangana, through, W.P.S. Srirampur, through Public Prosecutor, High Court

...RESPONDENT

2. Dara Kumaraswamy, S/o. Lingaiah, Age 59 years, Caste SC. Mala, Occ AE, NPDCL, R/o. H.No.12-763/28, Reddy Colony, Mancheria, Mancheria District

...RESPONDENTS/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 CC No.762/2023 on the file of II Additional judicial first class Magistrate, at Mancheria, the alleged offence in Crime No.21/2023 on 28/04/2023 i.e., U/Sec. 498-A, and 506 of IPC and Section 3 and 4 of DP Act against the Petitioners/accused No.2 to 4 in the interest of justice.

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 further proceedings including appearance of the petitioner/Accused No.1 in CC No.762/2023 on the file of II Additional judicial first class Magistrate, at Mancheria, pending the disposal of the main petition for Quashing the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri JANARDHAN GOUD SUNKARI, Advocate for the Petitioner and SRI S GANESH, Assistant Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.9948 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.762 of 2023 pending on the file of the II Additional Judicial First Class Magistrate at Mancheri. The offences alleged against them are punishable under Sections 420, 498-A, 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

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

03. It is the specific contention of the learned counsel for the petitioners that the petitioners are blood relatives of accused No.1, who is husband of respondent No.2 and they are falsely roped into the case. It is further contended that even the contents of complaint also show that bald and general allegations are made against the

petitioners and there are no specific allegations against them. Therefore, it is prayed to quash the proceedings against them.

04. On the other hand, learned Assistant Public Prosecutor vehemently opposed to quash the proceedings against the petitioners as police have investigated the case and filed charge sheet against them. He further contended that it is not a fit case to quash the proceedings against the petitioners at this juncture and the matter is to be decided after conducting trial by the Court below.

05. Taking into consideration the fact that bald and general allegations are made against the petitioners/accused Nos.2 to 4, the appearance/attendance of petitioners/accused Nos.2 to 4 before the II Additional Judicial First Class Magistrate at Mancheri, in C.C.No.762 of 2023, 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. However, the petitioners/

accused Nos.2 to 4 are at liberty to file discharge petition and on such petition being filed, the Trial Court shall dispose of the same on merits within three (3) weeks from the date of filing of the said petition, uninfluenced by any of the observations made in this Order.

06. Accordingly, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

a
SECTION OFFICER

To,

1. The II Additional judicial first class Magistrate, at Mancherial
2. The Station House Officer, WPS Srirampur police Station, Mancherial
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. JANARDHAN GOUD SUNKARI, Advocate [OPUC]
5. Two CD Copies

ADK

\$

HIGH COURT

DATED:10/10/2023

ORDER

CRLP.No.9948 of 2023



DISPOSING OF THE CRLP

8 Copies

Sms
17/11/23