

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

THURSDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 8158 OF 2022

Between:

1. Mohd. Khan, S/o. Late Mohd. Ismail Khan, Aged about 65 years, Occ. Business, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-3)
2. Mohd. Khaja Moinuddin Khan, S/o. Mohd. Khan, aged about 38 years, Occ. Business, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-4)
3. Smt.Tabassum Begum, W/o. Mohd. Khaja Moinuddin Khan, Aged about 26 years, Occ. Household, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-5)
4. Smt.Zeenath Begum, W/o. Mohd. Ilyas Khan, Aged about 28 years, Occ. Household, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-6)
5. Smt.Mohd. Ilyas Khan, S/o. Late Alhaj Faizullah Khan, Aged about 34 years, Occ. Business, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-7)
6. Smt.Saleha Begum, W/o. Ali Bin Ahmed, Aged about 30 years, Occ. household, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-8)
7. Smt.Safiya Begum, W/o. Shaik Sharif @ Abdul Ashraf, Aged about 27 years, Occ. Household, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-9)
8. Shaik Shanrif @ Abdul Ashraf, S/o. Shaik Abdul Aziz, aged about 30 years, Occ. Business, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-10)
9. Smt. Sayeeda Begum, W/o. Mohd. Afroz Khan, Aged about 26 years, Occ. Household, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-11)
10. Mohd. Afroz, S/o. Mohd. Faiz Khan, Aged about 33 years, Occ. Business, R/o. H.No. 14-5-32, Goutam Model School, Baidwadi, Begumbazar, Hyderabad. (A-12)

...PETITIONER/ACCUSED

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court for the State of Telangana. At Hyderabad
2. Smt.Nazia Banu, W/o. Mohd. Zubair, D/o. Late Shaik Babar, aged about 28 years, Occ. Household, R/o. H.no. 19-3-677/A/5, Misrigunj, Hyderabad.

...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 quash the proceedings in C.C.No. 2489 of 2022 on the file of the XV Additional Chief Metropolitan Magistrate at Hyderabad against the petitioner, in the interest of Justice.

I.A. NO: 1 OF 2022

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 including the appearance of the petitioners in C.C.No. 2489 of 2022 on the file of the XV Additional Chief Metropolitan Magistrate at Hyderabad, pending disposal of the quashing petition before this Hon'ble High Court.

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 extend the interim stay order granted in I.A.No 1 of 2022 in CrI.P.No. 8158 of 2022, dt.13.09.2022, pending disposal of the above CrI.P.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri A HARIPRASAD REDDY, Advocate for the Petitioner and the SRI S GANESH, Assistant Public Prosecutor for the State of Telangana 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.8158 of 2022

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.3 to 12 to quash the proceedings against them in C.C.No.2489 of 2020 pending on the file of learned XV Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences under Sections 498-A, 406 and 506 of Indian Penal Code and Sections 4 & 6 of Dowry Prohibition Act, 1961.

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

3. Initially, on 13.09.2022, this Court has granted stay of all further proceedings in C.C.No.2489 of 2020 pending on the file of learned XV Additional Chief Metropolitan Magistrate, Hyderabad till 29.11.2022.

4. It is the specific contention of the learned counsel for the petitioners that accused Nos. 3 to 12 are falsely implicated in the case and there are omnibus allegations

against the petitioners. Therefore, prayed to quash the proceedings against them.

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 that though specific allegations are made against accused Nos.1 and 2 and only omnibus allegations are made against accused Nos.3 to 12, the appearance/attendance of accused Nos.3 to 12 before the learned XV Additional Chief Metropolitan Magistrate, Hyderabad, in C.C.No.2489 of 2020 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.

7. Accordingly, the Criminal Petition is disposed of. Needless to say, in the event of the petitioners filing an application seeking discharge, if the charges are not yet framed, the concerned Court shall dispose of the same on

merits within a period of four (04) weeks from the date of filing of the said application, after hearing arguments on both sides.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The XV Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, Women Police Station, South Zone, Hyderabad City
3. Two CCs to Sri S GANESH, Assistant Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. A HARIPRASAD REDDY, Advocate [OPUC]
5. Two CD Copies

pr

HIGH COURT

DATED: 22/06/2023



ORDER

CRLP.No.8158 of 2022

DISPOSING OFF THE CRL.P

Handwritten signature and date:
30/06/2023