

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

**THURSDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 10111 OF 2023

Between:

1. Anil Kumari, W/o Lakshmi Narain Aged 70 years, Occ: House Wife R/o. H.No. 33-74/1, Officers Colony Mother Teresa School, R.K. Puram Tirumalgiri, Hyderabad.
2. Ejanthkar Naresh Chandra, S/o Vittal Rao Aged 63 years, Occ: Household R/o. H.No. 33-74/1, Officers Colony Mother Teresa School, R.K. Puram Tirumalgiri, Hyderabad.

...PETITIONERS/ACCUSED No.2 & 3

AND

1. The State of Telangana, Represented through Public Prosecutor, High Court of Telangana, Hyderabad.
2. Smt. Jhansi Laxmi, W/o Bhupinder Singh Aged 33 years, Occ: House Wife R/o. AG Towers, 2nd Floor Beside Axis Bank/SBI Bank Opposite Army Public School NH 44, Medchal, N/o R.K. Puram - 501401

...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 the impugned proceedings in C.C.No.936 of 2022 on the file of the IX Metropolitan Magistrate at Medchal, in so far as the Petitioners/Accused No. 2 and 3 are concerned.

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 grant interim stay of all further proceedings in C.C.No. 936 of 2022 on the file of the IX Metropolitan Magistrate at Medchal, in so far as the Petitioners/Accused No. 2 and 3 are concerned, including arrest and appearance, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K ANNAPURNA REDDY, Advocate for the Petitioner and of Sri S GANESH, the 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.10111 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 and 3 to quash the impugned proceedings against them in C.C.No.936 of 2022 pending on the file of the IX Metropolitan Magistrate at Medhcal. The alleged offences against them are punishable under Sections 498-A, 323, 504 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 innocent of the offences leveled against them. It is contended that the de facto complainant was working in U.S and immediately after the marriage, she returned back to India and insisted accused No.1 to come to U.S on visiting Visa.

It is further contended that accused No.1 went to U.S, but, however, returned back immediately due to ill health of his mother i.e. petitioner No.1/accused No.2. It is further contended that it is specifically mentioned in the complaint that accused No.1 has forced the de facto complainant to return India or otherwise accused No.1 would commit suicide. It is further contended that petitioner No.1 was the Principal of Mother Teresa School at R.K.Puram, Secunderabad and she used to work as a Teacher as well as a Principal and maintained a disciplined life and also had made the career of many students; that the allegation that petitioner No.1 had demanded dowry is utterly false and all the allegations were being made only to harass the petitioners to see that accused No.1 would go to US.

04. Learned counsel for the petitioners further contended that accused No.1 travelled to UK on Job Visa along with de facto complainant, for which the petitioners had arranged an amount of Rs.35.00Lakhs. It is contended that in fact, the de facto complainant stated that she would withdraw the complaint, but, she did not do so and that when the de facto complainant came to India for the death

ceremony of her father, the petitioners approached her and asked to withdraw the complaint, but, she did not do so; that the summons were served on the petitioners to appear before the Court on 03.08.2023 and now the matter is being posted to 30.01.2024 for their appearance; that the petitioners are aged persons and are on medication; that petitioner No.1 was hospitalized due to liver failure for a period of one month and they are unable to attend the Court and even sought for dispensing with their presence.

05. 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 including accused No.1. 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.

06. Taking into consideration the fact that the petitioners/accused Nos.2 and 3 are old aged and also their medical ailments, the appearance/attendance of petitioners/accused Nos.2 and 3 before the IX Metropolitan

Magistrate at Medhcal, in C.C.No.936 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. However, the petitioners/accused Nos.2 and 3 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.

07. Accordingly, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

Sd/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

GP

SECTION OFFICER

To,

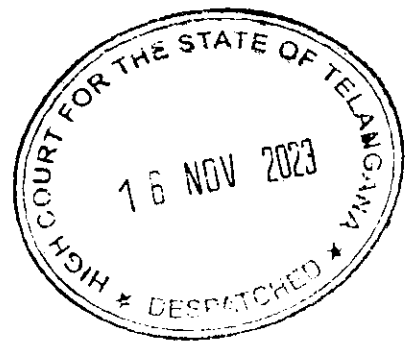
1. The IX Additional Metropolitan Magistrate Medchal Malkajgiri District.
2. The Station House Officer, Medchal Police Station, Cyberabad Commissionerate.
3. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI. K ANNAPURNA REDDY, Advocate [OPUC]
5. Two CD Copies

pr

VH *[Signature]*

HIGH COURT

DATED: 12/10/2023



**ORDER
CRLP.No.10111 of 2023**

**DISPOSING OF
THE CRL.PETITION**

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9/11/23

AVT