

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

**WEDNESDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No: 10405 of 2023

Between:

1. Dubala Anil Kumar, S/o. Dubala Mondaiah, Age: 35 years, Occ. Business, R/o.H.no. 8-8-68, Nehrunagar, Sircilla District, Telangana.
2. Dubala Vijaya, W/o. Dubala Mondaiah, Age: 59 years, Occ.HouseWife, R/o.H.no. 8-8-68, Nehrunagar, Sircilla District, Telangana.
3. Dubala Mondaiah, S/o. Late Dubala Buchaiah, Age:60 years, Occ. Business, R/o.H.no. 8-8-68, Nehrunagar, Sircilla District, Telangana.
4. Boppana Sravani, D/o. Sambha Shiva Rao, Age: 30 Years, Occ. Teacher, R/o.H.no.2-89/3,Gugilla Village, Karimnagar District, Telangana.
5. Smt.Salvadi Swarajya Lakshmi, W/o. Salvadi Srinath, Age:31 years, Occ. House Wife, R/o. LIG-B-225, Dr.A.S.Rao Nagar, Kapra, Secunderabad, Telangana.

...Petitioner/Accused No.1,2,3,4,5

AND

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

...Respondent No.1/Complainant

2. Smt Dubala Akshara, W/o Dubala Anil Kumar, D/o. G.Ashok Kumar, Age: 31 years, Occ. Teacher, R/o. Flat No. 102, Snigdha Residency, Vinayak Nagar, Nizamabad, Telangana

...Respondent No.2/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 .508 of 2023 Pending on the file of I Additional Judicial First Class Magistrate, Nizamabad against the Petitioners/Accused herein.

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 CC No. 508 of 2023 Pending on the file of I Additional Judicial First Class Magistrate, Nizamabad against the Petitioners/Accused.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of ~~MS~~ B. ANNAPURNA, Advocate for the Petitioners and the 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.10405 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.1 to 5 to quash the proceedings against them in C.C.No.508 of 2023 pending on the file of the I Additional Judicial First Class Magistrate, Nizamabad. The alleged offences against them are punishable under Sections 498-A, 494 of IPC and Section 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 petitioner No.1 is husband of respondent No.2 and that petitioner No.2 and 3 are parents, petitioner No.4 is second wife and petitioner No.5 is sister of petitioner No.1. It is contended that except bald allegations that the petitioners/accused Nos.1 to 5

have abused respondent No.2, there are no specific overt acts or allegations against them and therefore, he 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 petitioner Nos.2 to 5/accused Nos.2 to 5, the appearance/attendance of petitioner Nos.2 to 5/accused Nos.2 to 5 before the I Additional Judicial First Class Magistrate, Nizamabad, in C.C.No.508 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. As specific allegations are

leveled against petitioner No.1/accused No.1, no such relief is given to him. However, the petitioners/ accused Nos.1 to 5 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.

//TRUE COPY//

Sd/- B SARASWATHI
ASSISTANT REGISTRAR

Gd
SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate, Nizamabad.
2. The Station House Officer, Women Police Station Nizamabad, Nizamabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to ~~M~~B. ANNAPURNA, Advocate [OPUC]
5. Two CD Copies

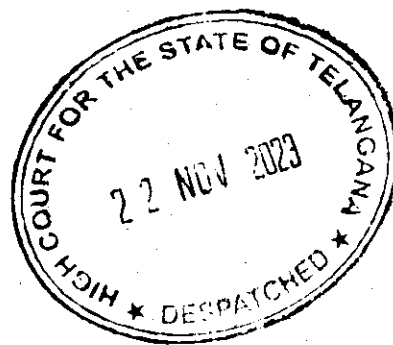
\$
kam/PR

HIGH COURT

DATED:18/10/2023

ORDER

CRLP.No.10405 of 2023



**DISPOSING OF THE
CRIMINAL PETITION**

6 Copies

Sm
17/11/23