

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

THURSDAY ,THE SECOND DAY OF NOVEMBER

TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 8401 OF 2014

Between:

1. PRASADAM NAGESWARA RAO, HYD. AND ANO, Occ Agriculture R/o. Chintalapudi Village Duggirala Mandal Hyderabad District
2. Prasadam Kanakamma, W/o. Nageswara Rao Occ House wife R/o. Chintalapudi Village Duggirala Mandal Hyderabad District

...PETITIONERS

AND

1. The State of Telangan, rep.by Public Prosecutor, High Court Hyderabad.
.....Respondent
2. Prasadam Sumalatha, W/o. Siva Sankara Rao Occ Student R/o.H.No. 16/2/74/11 Sailaja Hills Apartments Flat No.11 T.V.Tower Asmangadh Malakpet Hyderabad - 36

...PETITIONER/RESPONDENT

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 call for the records in D.V.C.No.121/2014 on the file of the IV Metropolitan Magistrate, Erramanzil at Hyderabad and quash the same as against petitioners herein .

I.A. NO: 2 OF 2014(CRLPMP. NO: 7973 OF 2014)

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 stay of all further proceedings including the appearance of the petitioners herein in DVC.No.121/2014 on the file of the IV Metropolitan Magistrate, Erramanzil at Hyderabad, pending disposal of the quash petition.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N SRIHARI ,Advocate for the Petitioner and the Assistant Public Prosecutor (TG/AP) on behalf of the Respondent No.1 and of Sri Harija Akkineni, Advocate for the Respondent No.2.

The Court made the following: ORDER

1

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL PETITION No.8401 OF 2014

ORDER:

The present Criminal Petition is filed seeking to call for the records in D.V.C.No.121 of 2014 on the file of the learned IV Metropolitan Magistrate, Erramanzil, at Hyderabad (for short, "the trial Court") and quash the same against the petitioners herein and pass such other order or orders.

2. No representation on behalf of petitioners and respondent No.2. Heard Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for respondent State.
3. The brief facts of the case are that respondent No.2 herein preferred D.V.C. against her husband and in-laws stating that she was being subjected to cruelty and harassment by them, for want of additional dowry. Unable to bear such harassment, she filed D.V.C. and sought for reliefs such as protection order, alternative accommodation, return of gold ornaments and household articles, maintenance of Rs.10,000/- per month, compensation of Rs.5,00,000/- and return of dowry to a tune of Rs.5,00,000/-. Aggrieved by the same, who were in-laws of

respondent No.2 filed the present Criminal Petition seeking to quash the impugned proceedings.

4. The petitioners contended that the petitioners' son intends to co-habit with respondent No.2 and preferred H.M.O.P.No.26 of 2013 on the file of the learned Additional Senior Civil Judge, Tenali seeking restitution of conjugal rights and the same is pending and the petitioners herein are no way connected with the subject crime and therefore, seeks to quash the impugned proceedings.

5. Learned Assistant Public Prosecutor contended that the present Criminal Petition is not maintainable by virtue of the decision passed by the composite High Court for States of Telangana and Andhra Pradesh in **Giduthuri Kesari Kumar and others Vs. State of Telangana and others** in Criminal Petition Nos.7289 of 2015 and batch and **Gaddameedi Nagamani Vs. The State of Telangana and Others** in Criminal Petition No.22371 of 2015. Therefore, seeks to dismiss the Criminal Petition.

6. Having regard to the submissions made by the learned Assistant Public Prosecutor and upon taking into consideration the decisions passed in Criminal Petition Nos.7289 of 2015 and

batch and Criminal Petition No.22371 of 2015 passed by the *erstwhile* High Court cited *supra*, this Court is not inclined to entertain this Criminal Petition at this stage and the same is liable to be dismissed.

7. Accordingly, the Criminal Petition stands dismissed. However, the appearance of the petitioners before the trial Court, is dispensed with during the course of D.V.C. proceedings on all occasions, except as and when required. Needless to mention, the petitioners are at liberty to workout the remedies as available under law.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Metropolitan Magistrate, Erramanzil at Hyderabad.
2. One CC to SRI. N SRIHARI Advocate [OPUC]
3. One CC to SRI. HARIJA AKKINENI Advocate [OPUC]
4. Two CCs to the ASSISTANT PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

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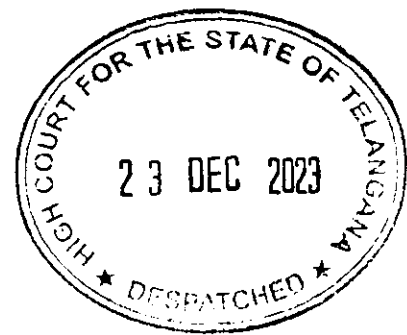
HIGH COURT

EVVJ

DATED:02/11/2023

ORDER

CRLP.No.8401 of 2014



DISMISSING THE CRIMINAL PETITION.

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