

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

**WEDNESDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 9504 OF 2022

Between:

M. Vijaya Lakshmi, W/o. G. Mohan Krishna, Aged about 33 years, Occ.
Housewife, R/o. Venkateshwara Sai Nilayam, S.B.R Colony, Maisamma Temple,
Boduppal, Hyderabad.

...Petitioner/Accused No.1

AND

1. The State of Telangana, through S.H.O. S.R.Nagar Police Station, Hyderabad District, Represented by Public Prosecutor, High Court, Hyderabad.
2. G. Mohan Krishna, S/o. Late Seetharamai, Aged about 32 years, Occ.
Employee, R/o. C-73, Vykunata Apartments, DK Road, S.R.Nagar,
Hyderabad..

...Respondent/Complainants

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 relating to C.C.NO. 7657 of 2022 on the file of III Additional Chief Metropolitan Magistrate at Hyderabad, and quash the proceedings thereon.

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 dispense with filling of the certified copy of the C.C.NO. 7657 of 2022 on the file of III Additional Chief Metropolitan Magistrate at Hyderabad.

I.A. NO: 2 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 grant stay of all further proceedings including appearance of the petitioner herein in connection with C.C.NO. 7657 of 2022 on the file of III Additional Chief Metropolitan Magistrate at Hyderabad, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri GAJANAND CHAKRAVARTHI, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No. and None Appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9504 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 petitioner-Accused No.1 to quash the proceedings against her in C.C.No.7657 of 2022 pending on the file of III Additional Chief Metropolitan Magistrate at Hyderabad. The offences alleged against her are under Sections 420, 497, 406, 323 and 506 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner-Accused and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The 2nd respondent – *de facto* complainant who is the husband of the petitioner herein filed a complaint stating that this petitioner and Accused No.2 had an extra marital affair and the same was observed by 2nd respondent. Thereafter, police investigated the case and filed charge sheet against the accused and the same was numbered as C.C.No.155 of 2017 which was tried by

the III Additional Chief Metropolitan Magistrate, Hyderabad. The learned Magistrate passed judgment indicating that the case against this petitioner was split up vide C.C.No.7657 of 2022 as this petitioner - Accused No.1 was not available. After examining the 2nd respondent, the court passed the judgment acquitting petitioners - Accused Nos.2 and 3 for the reason of 2nd respondent turning hostile to the prosecution case and stating that he does not know anything about the case.

4. The present calendar case No.7657 of 2022 was split up from C.C.No.155 of 2017 is now pending. When the 2nd respondent has himself turned hostile and stated that no such incident occurred and he never complained to the police, no useful purpose would be served by keeping the present case pending. For the said reason, this Court deems it appropriate to quash the proceedings against the petitioner - Accused No.1.

5. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner - Accused No.1 in C.C.No.7657 of 2022 pending on the file of III Additional Chief Metropolitan Magistrate at Hyderabad, are hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

SD/- I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, S.R.Nagar Police Station, Hyderabad
3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. GAJANAND CHAKRAVARTHI, Advocate [OPUC]
5. Two CD Copies

PSR



HIGH COURT

KS,J

DATED:04/01/2023

ORDER

CRLP.No.9504 of 2022



ALLOWING OF THE CRIMINAL PETITION.

⑧
MA
19/1/23