

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

**MONDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

**PRESENT
THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL**

CRIMINAL PETITION Nos : 10675 and 10835 OF 2015

CRIMINAL PETITION NO: 10675 OF 2015

Between:

Md.Javeed Ansari, S/o.Ahmed, Aged 50 yrs, Occ. Doctor, R/o.16-11-16/ K/ 20, New Malakpet, Hyderabad

...PETITIONER/ACCUSED No. 3

AND

1. The State through Public Prosecutor, Telangana , High Court at Hyderabad For the state of Telangana
2. Smt. Yasmeen Begum, W/o.Abdul Sattar, Aged 25 yrs, Occ. Household, R/o.H.No.19-4-281/6/316, Sanjay Gandhi Nagar, Mir Alam Tank, Hyderabad.

...RESPONDENT/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 call for the records relating to CC.No.184 of 2015 pending on the file of XV Addl. Chief Metropolitan Magistrate, Hyderabad, and quash the same.

I.A. NO: 1 OF 2015(CRLPMP. NO: 10704 OF 2015)

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 appearance of the petitioner in CC.No.184 of 2015 pending on the file of XV Addl. Chief Metropolitan Magistrate, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Syed Yasar, representing Sri MOHAMMED ADAM, Advocate for the Petitioner and Sri K. Rama Kotaiah, Asst. the Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No.2

Crl.Petition No. 10835 of 2015 :

Between:

HOOR, W/o.Abdul Sattar, Occ. Housewife, R/o.Sarnnapura Mandal, Karimnagar District.
...PETITIONER/ACCUSED No.2

AND

1. The State through Public Prosecutor, Telangana High Court at Hyderabad For the state of Telangana.
2. Smt. Yasmeen Begum, W/o.Abdul Sattar, Occ. Household, R/o.H.No.19-4-281/6/316, Sanjay Gandhi Nagar, Mir Alam Tank, 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 CC.No. 184 of 2015 pending on the file of XV Addl. Chief Metropolitan Magistrate, Hyderabad, and quash the same .

I.A. NO: 2 OF 2015(CRLPMP. NO: 10908 OF 2015)

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 appearance of the petitioner in CC.No.184 of 2015 pending on the file of XV Addl. Chief Metropolitan Magistrate, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Syed Yasar , representing Sri MOHAMMED ADAM ,Advocate for the Petitioner and Sri K. Rama Kotaiah, Asst. Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No. 2

The Court made the following COMMON ORDER:

1

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL
CRIMINAL PETITION Nos. 10675 and 10835 OF 2015

COMMON ORDER:

Since, the issue involved in both the Criminal Petitions is one and the same, they are being heard together and disposed of by way of this common order.

2. The Criminal Petition Nos.10675 and 10835 of 2015 are filed under Section 482 of Cr.P.C. seeking to quash the proceedings against the petitioners/accused Nos.3 and 2 respectively in C.C.No.185 of 2015 on the file of learned XV Additional Chief Metropolitan Magistrate, Hyderabad for the offences punishable under Sections 498-A, 506 and 34 of Indian Penal Code and Sections 4 and 6 of the Dowry Prohibition Act.

3. Heard Mr. Syed Yasar, learned counsel representing Mr. Mohammed Adam, learned counsel for the petitioner and Mr. K. Rama Kotaiah, learned Assistant Public Prosecutor appearing for the respondent No.1 State.

4. For the sake of convenience, the facts in Criminal Petition No.10835 of 2015 are discussed hereunder:-

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The brief facts of the complaint are that the marriage between accused No.1 and respondent No.2 was performed on 04.02.2013 at Mustafa Nagar, Hyderabad as per Muslim rites and customs. The petitioner/accused No.2 is the second wife of accused No.1. Accused No.3 is the cousin brother of accused No.1. Respondent No.2 submits that accused No.3 brought the proposal for second marriage of accused No.1 as respondent No.2 was suffering from ill-health. It is stated that accused No.1, at the instigation of accused Nos.2 and 3 harassed respondent No.2 mentally and physically for want of additional dowry and when she refused to get the demanded dowry, they necked respondent No.2 out of the matrimonial home. Therefore, the present Criminal Petition is filed seeking to quash the impugned proceedings.

5. Learned counsel for the petitioner relied upon the decisions of the Hon'ble Supreme Court in **State of Haryana Vs. Bhajan Lal¹**, **Chunduru Siva Ram Krishna and another Vs. Peddi Ravindra Babu and another²**, **Devendra and others Vs. State of Utter Pradesh and another³** and **Geeta Mehrota and**

¹ 1992 (Supp.) 1 SCC 335

² 2009 (4) SCALE 685

³ 2009 (7) SCALE 613

another Vs. State of Uttar Pradesh⁴ dated 17.10.2012 wherein it was held that if the first information report does not disclose any material which constitutes an offence, merely making omnibus allegations against the accused, do not constitute any offence under any circumstances. Therefore, seeks to quash the impugned proceedings.

6. Learned Assistant Public Prosecutor submitted that unless and until full-fledged trial is being conducted, by examining the witnesses, *prima facie* this Court cannot come to the conclusion that the petitioner is not involved in the alleged offences. Therefore, submits that the interference of this Court, at this stage, is unwarranted and seeks to dismiss the Criminal Petition.

7. Having regard to the submissions made by both the learned counsel and upon perusal of the material record, this Court is of the view that the matter requires adjudication at length and only upon conclusion of full-fledged trial, the real truth would come to light. Therefore, the trial Court is directed to conduct and conclude the trial, upon affording an opportunity of hearing to both the parties, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of the

⁴ Criminal Appeal No.1674 of 2012(Arising out of SLP (CrI.)No.10547/2010)

order. The appearance of the petitioner before the trial Court is dispensed with unless and until required.

8. With the above direction, the Criminal Petition Nos.10675 and 10835 of 2015 are disposed of.

Miscellaneous Petitions, pending if any, shall stand closed.

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SD/-V .KAVITHA
ASSISTANT REGISTRAR



SECTION OFFICER

To,

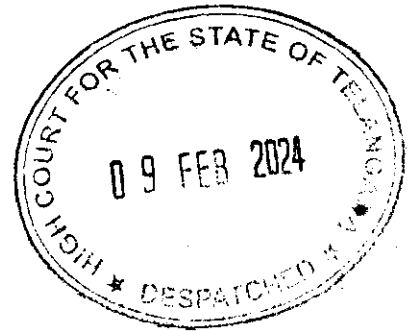
1. The XV Additional Chief Metropolitan Magistrate, Hyderabad
2. The Station House Officer, WPS South Zone Police Station, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. MOHAMMED ADAM, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:04/12/2023



COMMON ORDER

CRLP.Nos. 10675 and 10835 of 2015

DISPOSING OF THE BOTH CRL.PETITIONS

⑧ NVV
31/1/24