

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

**TUESDAY THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10154 OF 2018

Between:

1. Thota Bharani Krishna, S/o Trinath, aged about 34 years, Occ. Private Employee, R/o. H No. 24-88/43/5/A, Lalvani Nagar East Anandbagh, Malkajgiri Hyderabad.

...PETITIONER/ACCUSED

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad, for the State of Telangana and for the State of Andhra Pradesh.
2. Polisetty Kishore, S/o Late Prabhakar Rao, Flat No. G-3, Malkajgiri RK Nagar, Rachakonda, Telangana.

...RESPONDENT/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 S.C. No. 736 of 2018 on the file of court of the VIII Additional Senior Civil Judge, Ranga Reddy at LB Nagar.

I.A. NO: 2 OF 2018

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 in S.C. No. 736 of 2018 on the file of court of the VIII Additional Senior civil Judge, Ranga Reddy at LB Nagar, pending disposal of main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R SIVA SAI SWARUP, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1 and of None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K. SURENDER

CRIMINAL PETITION No.10154 OF 2018

ORDER:

This Criminal Petition was filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to quash the proceedings against the petitioner/accused in S.C.No.736 of 2018 on the file of the learned VIII Additional Senior Civil Judge, Rangareddy District at L.B.Nagar. The offences alleged against him are under Sections 498A and 306 of the Indian Penal Code, 1860.

2. Heard learned counsel for the petitioner as well as the learned Assistant Public Prosecutor and perused the record.

3. On perusal of the material placed before this Court, the marriage of the deceased with the petitioner herein had taken place on 12.06.2015 at Dwaraka Tirumala and the deceased died on 28.02.2017 i.e., after one and half years of the marriage. Learned Assistant Public Prosecutor submits that there is presumption under Section 113 of the Evidence Act, 1872, since the death occurred within seven years of the marriage. As there are several factual aspects, the matter shall be decided by the Court concerned after full-fledged trial for better adjudication. Therefore, this Criminal Petition is devoid of merits and liable to be dismissed.

4. In the light of the above, this Criminal Petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- N. CHANDRASEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VIII Additional Senior Civil Judge, Ranga Reddy at LB Nagar.
2. The Station House Officer, Police Station Malkajgiri, Rachakonda. Telangana.
3. One CC to SRI. R SIVA SAI SWARUP Advocate [OPUC]
4. Two CCs the PUBLIC PROSECUTOR (TG), High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

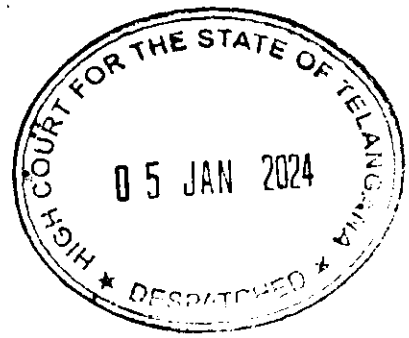
AA 

HIGH COURT

DATED:17/10/2023

ORDER

CRLP.No.10154 of 2018



**THE CRIMINAL PETITION
IS DISMISSED**

⑧ VW
26/12/23