

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

MONDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11943 OF 2022

Between:

Smt. Gwala Swapna, W/o. Mohan, Age. 19 Years, Occ. House wife, R/o. Shanthinagar Village, Undavelly Mandal, Jogulamba Gadwal District.

.....PETITIONER/ACCUSED NO 4

AND

1. The State of Telangana, through SHO, Shanthinagar Police station, Jogulamba Gadwal District, Represented by Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. Goda Lakshmi Devi, , W/o. Goda Raju, occ.Agriculture, Age. 48 years, R/o.Burdidapadu Village, Gudur Mandal, Kurnool District.

...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 and connected with S.C. No. 207 of 2022, on the file of I Addl. District and Sessions Judge, Gadwal, Jogulamba Gadwal District and quash the same in so far as petitioner/ is concerned

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 the filing of certified copy of charge sheet in S.C. No. 207 of 2022, on the file of I Addl. District and Sessions Judge, Gadwal, Jogulamba Gadwal District for the present

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 order stay of all further proceedings in S.C. No. 207 of 2022, on the file of I Additional District and Sessions Judge, Gadwal, Jogulamba Gadwal District including appearance of the petition /A4 is concerned, pending disposal of the above Cr.P.,

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri LAXMAIAH KANCHANI ,Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11943 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.4 to quash the proceedings against him in S.C.No.207 of 2022 pending on the file of I Additional District and Sessions Judge, Gadwal, Jogulamba Gadwal District. The offences alleged against the petitioner are under Sections 304-B, 498-A r/w 34 of Indian Penal Code (for short "IPC") and Sections 3, 4 and 6 of Dowry Prohibition Act, 1961(for short 'DP Act').

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

3. A perusal of the record would reveal that, there are disputes between the petitioner and the 2nd respondent with regard to matrimonial issues. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioner herein. They are triable issues. The petitioner have to face trial and prove his innocence. The defences taken by the petitioner

cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in S.C.No.207 of 2022 pending on the file of I Additional District and Sessions Judge, Gadwal, Jogulamba Gadwal District against the petitioner herein.

4. In view of the aforesaid reasons, the attendance of the petitioners herein – Accused No.4 is dispensed with in in S.C.No.207 of 2022 pending on the file of I Additional District and Sessions Judge, Gadwal, Jogulamba Gadwal District, when represented by his counsel on record. The attendance of the petitioner is dispensed subject to filing an affidavit by the petitioner stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and also he shall not dispute his identity. However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the petitioner failure to appear when the Court directs, this order dispensing his attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed off, giving liberty to agitate all the issues and grounds that are raised before this Court by filing discharge application before the concerned Court. In the event of such application being made, the concerned Court shall dispose it off on merits, within a period of four weeks from the date of filing.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- MOHD. SANAULLAH ANSARI

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District and Sessions Judge, Gadwal, Jogulamba Gadwal District
2. The Station House Officer, Shanthinagar Police station, Shanthinagar Jogulamba gadwal District
3. One CC to SRI LAXMAIAH KANCHANI Advocate [OPUC]
4. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

4/1/24

HIGH COURT
KSJ
DATED:02/01/2023

ORDER
CRLP.No.11943 of 2022



DISPOSING OF THE CRIMINAL PETITION

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19/1/23
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