

**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: 11964 OF 2022

Between:

1. Smt Manju, W/o Sushil Jain, aged 60 years, Occ: house wife
2. Sushil Jain, S/o Not known aged about 65 years Occ: business-A3

Both R/o Plot No. 76, Flat No. F-2, Astha Apartments, Shiv colony, New Sangener Rao, Soadal, Jaipur, Rajasthan.

...PETITIONERS/ACCUSED No. 2 & 3

AND

1. The State of Telangana, through Women Police Station C.C.S D.D, Hyderabad Rep. by its Public Prosecutor, High Court of Telangana, Hyderabad.

...RESPONDENT

2. Smt. Priyanka Nahla, w/o Mayank Jain, H. No. 1-2-300, flat no. 405 , pragathi apartments, street No 7 , opp . JB apartments, Gagan Mahal, Domalguda, Himayath Nagar, Hyderabad 500029.

...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 against the petitioners/Accused No.2 to 3 in C.C.No. 4698 of 2022 on the file of the XIII Additional Chief Metropolitan Magistrate at Hyderabad.

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 Stay all further Proceedings against the Petitioners / Accused No. 2 and 3, including appearance of the Petitioners / Accused No. 2 and 3 in C.C.No. 4698 of 2022 on the file of the XIII Additional Chief Metropolitan Magistrate at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri DURGA PRASAD SADAM, Advocate for the Petitioners and of the Additional Public Prosecutor (TG) on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2

The Court made the following: **ORDER**

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11964 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 petitioners-Accused Nos.2 and 3 to quash the proceedings against them in C.C.No.4698 of 2022 pending on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad. The offences alleged against them are under Sections 498-A, 406 and 506 of Indian Penal Code (for short "IPC") and Sections 3 of Dowry Prohibition Act (for short "DP Act").

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

3. On perusal of the record, the disputes arose out of marital discord in between the *de facto* complainant and the Accused No.1.

4. Though the petitioners have raised several grounds to quash the proceedings in the aforesaid case, learned counsel for the

petitioners requested this Court to dispense with the appearance of the petitioners, in the aforesaid case before the trial Court.

5. Keeping in view that the petitioners-Accused Nos.2 and 3 are aged persons, this Criminal Petition is disposed off with the following directions:

- i) The attendance of the petitioners – Accused Nos.2 and 3 is dispensed with in C.C.No.4698 of 2022 pending on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad, when represented by their counsel on record.
- ii) The attendance of the petitioners is dispensed subject to filing an affidavit by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and shall not dispute their identity also.
- iii) However, the petitioners shall appear before the learned Magistrate as and when their presence is required. In the event of the petitioners failure to appear when the Court directs, this order dispensing their attendance shall stand cancelled.

6. Needless to say, the petitioners are at liberty to file an application seeking discharge 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.

//TRUE COPY//

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR
20/11/23
SECTION OFFICER

To,

1. The XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, WPS DD, Hyderabad.
3. One CC to Sri DURGA PRASAD SADAM, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. Two CD Copies.

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HIGH COURT

KS,J

DATED:02/01/2023

ORDER

CRLP.No.11964 of 2022



THE CRIMINAL PETITION SHALL STAND CLOSED.

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17/1/23