IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY ,THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos : 7809, 7894 and 8366 OF 2019

Crl.Petition No. 7809 of 2019 :

Between:

Ms. B.Gayatri, W/o. Mr. Sabbani Durga Raj, Aged about 44 years, Occupation. Household, R/o. Flat No.432, Mahaveer Rich Apartments, AGB Layout, Behind Sapthagiri Engineering College, Chikkabanavara, Bangalore (North), Karnataka-560090

...PETITIONER/ACCUSED

AND

1. The State of Telangana, through the Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Mrs. E. Sreeshobha, W/o. Mr. B.Sumanth Kumar, aged about 40 years, Occupation.Government Employee, R/o. H.No.2-2-1103/9/93, New Sangeevaiah Nagar, Golnaka, Tilak Nagar, Hyderabad

...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 C.C.No.12577 of 2019 on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad.

I.A. NO: 1 OF 2019

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 the proceedings in C.C.No.12577 of 2019 on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad.

I.A. NO: 1 OF 2020

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 extend the interim order dated 03.12.2019 passed in Crl Petition No. 7809 of 2019 until further orders

I.A. NO: 2 OF 2020

Between:

Mrs. E. Sreeshobha, W/o. Mr. B.Sumanth Kumar, aged about 40 years, Occupation.Government Employee, R/o. H.No.2-2-1103/9/93, New Sangeevaiah Nagar, Golnaka, Tilak Nagar, Hyderabad .. Petitioner/ Respondent No.2 / Defacto Complainant

And

1. Ms. B.Gayatri, W/o. Mr. Sabbani Durga Raj, Aged about 44 years, Occupation. Household, R/o. Flat No.432, Mahaveer Rich Apartments, AGB Layout, Behind Sapthagiri Engineering College, Chikkabanavara, Bangalore (North), Karnataka- 560090 .. Respondent/ Petitioner / Accused No.3
2. The State of Telangana, through the Public Prosecutor, High Court at Hyderabad .. Respondent / Respondent No.1 / Respondent

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 Vacate the interim orders passed in I.A No. 1 of 2019 in Crl P No. 7809 of 2019 Order dated 03.12.2019 and dismiss the main criminal petition

I.A. NO: 3 OF 2020

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 extent the stay granted by this Hon'ble High Court in I A NO1/2019 in CrlP No 7809/2019 on 13/12/2019 until further orders

I.A. NO: 4 OF 2020

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 extent the stay granted by this Honourable High Court in I.A.No.1/2019 in Criminal Petition No.7809 of 2019 on 03/12/2020, until further orders.

I.A. NO: 1 OF 2021

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 extent the stay granted by this Hon'ble High Court in IA No.1/2019 in Criminal Petition No.7809/2019 on 3/12/2020 until further orders.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B. SHASHIDHAR ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri P. Padma Rao, Advocate for the Respondent No.2.

CRIMINAL PETITION NO: 7894 OF 2019

Between:

Smt. B.Vasudevi, W/o. Late B. Narayana Rao, Aged about 70 years, Occupation. Retired Employee, R/o H.No. 1-9-252/119/2, East Parsigutta, Near Hanuman Temple, Ram Nagar, Musheerabad, Secunderabad.

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana, through the Public Prosecutor High Court Hyderabad
2. Mrs. E. Sreeshobha, W/o. Mr. B.Sumanth Kumar, aged about 40 years, Occupation. Government Employee, R/o. H.No.2-2-1103/9/93, New Sangeevaiah Nagar, Golnaka, Tilak 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 quash the proceedings in C.C.No.12577 of 2019 on the file of the Learned XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad

I.A. NO: 1 OF 2019

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 the proceedings in C.C.No.12577 of 2019 on the file of the Learned XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad .

I.A. NO: 1 OF 2020

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 extend the interim orders granted by this Hon'ble Court in IA No. 1/2019 in Crl Petition No. 7894 of 2019 dated 11.12.2019 for further more eight weeks.

I.A. NO: 2 OF 2020

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 extend the interim order dated 11.02.2020 passed in Crl Petition No. 7894 of 2019 until further orders

I.A. NO: 3 OF 2020

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 dismiss the Quash /Stay Petition filed in I.A No. 1 of 2019 in Crl P. No. 7894 of 2019.

I.A. NO: 4 OF 2020

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 10 extent the stay granted by this Hon;ble High Court in I A NO 1/2019 in CrlP NO 7894/2019 on 11/02/2020 until further orders.

I.A. NO: 5 OF 2020

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 extent the stay granted by this Honble High Court in I.A.No.'1/2020 in Criminal Petition No.7894/of 2019 on 11.02:2020, until further orders.

I.A. NO: 1 OF 2021

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 extent the stay granted by this Hon'ble High Court in IA No.1/2019 in CrlP No.7894/2019 on 11/2/2020 until further orders.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B SHASHIDHAR ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri Sri P. Padma Rao,Advocate for the Respondent No.2

CRIMINAL PETITION NO: 8366 OF 2019

Between:

Mr. B.Sumanth Kumar, S/o. Mr. B. Narayana Rao, Aged about 43 years, Occupation. Private Employee, R/o Flat No.206, 1-9-20/A, Karthik Appartments. Ram Nagar, Hyderabad-500020.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, through the Public Prosecutor., High Court for the State of Telangana at Hyderabad. .. Respondent / Complainant
2. Smt. E. Sreeshobha, W/o. Mr. B.Surnanth Kumar. Occupation. Working in OU as Assitant Professor, R/o H.No.2-2-1103/9/93, New Sangeevaiah Nagar, Golnaka, Tilak Nagar, Hyderabad.

...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 C.C.No.12577 of 2019 on the file of the Learned XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts, at Nampally, Hyderabad.

I.A. NO: 1 OF 2019

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 the proceedings in C.C. No.12577 of 2019 on the file of learned XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts, at Nampally, Hyderabad, pending present Criminal Petition.

This Petition coming on for hearing,upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B SHASHIDHAR ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri P. PADMA RAO, Advocate for the Respondent No. 2

The Court made the following COMMON ORDER:

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.7809, 7894 and 8366 of 2019

COMMON ORDER:

Crl.P.No.7809 of 2019:

Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioner/Accused No.3 to quash the proceedings in C.C.No.12577 of 2019 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad.

Crl.P.No.7894 of 2019:

Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioner/Accused No.2 to quash the proceedings in C.C.No.12577 of 2019 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad.

Crl.P.No.8366 of 2019:

Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioner/Accused No.1 to quash the proceedings in C.C.No.12577 of 2019 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad.

2. Since petitioners in all these petitions are arrayed as accused in the same C.C number and they are seeking to quash the C.C, all the three petitions are disposed of by way of this common order.

3. Heard learned counsel for the petitioners, learned counsel for the respondent No.2 and learned Additional Public Prosecutor for the Respondent No.1 – State. Perused the record.

4. The 2nd respondent filed a complaint on 16.04.2019 alleging that she was married to accused No.1 on 16.02.2006 and at the time of marriage the demands made by the accused were fulfilled. The father-in-law was good person. However, accused

Nos.2 and 3, who are the mother-in-law and sister-in-law ignore her. Accused No.1 was under the command of accused No.2 and in turn accused No.2 was listening to accused No.3. The 2nd respondent was adjusting in the family. Since the 2nd respondent refused to give salary, accused Nos.2 and 3 bore grudge against her and did not allow her to mingle in marriages or any family occasions. It is further alleged in the complaint that accused Nos.1 to 3 were planning to push her out of the matrimonial home. Accused No.3 divided the residence where they were living, for which she approached the Legal Services Authority for amicable solution. On 22.03.2019, the Legal Services Authority advised all the accused Nos.1 to 3 to take 2nd respondent back home. Accused No.1 used to repeatedly say that the house in which they were staying belongs to accused No.2 and he was inclined to go along with 2nd respondent and stay in her parent's house.

5. The main grievance is that she was restricted from having access to the house on 03.01.2019. Accused Nos.2 and 3 filed a counter complaint in the Legal Services Authority and made a

false complaint that the 2nd respondent was threatening them to do away with their life. For the said reason, she was staying with her parents from 25.01.2019.

6. On the basis of the said complaint, the police investigated the case and filed charge sheet against accused Nos.1 to 3.

7. Learned counsel for the petitioners would submit that all the accused Nos.1 to 3 were living separately. Accused No.2 was pensioner and she was living on her own. Accused No.3 is a resident of Bangalore. Accused No.1 had filed petition of Restitution of Conjugal Rights, which is pending adjudication.

8. On the other hand, the learned counsel for the respondents would submit that a false complaint was filed by accused Nos.2 and 3 against her that she was trying to kill them. Further, though the house was partitioned and given to accused No.1, accused No.1 was not allowing respondent No.2 to stay in the house given by accused No.2.

9. As seen from the complaint, the main grievance appears to be the property which stands in the name of accused No.2.

Admittedly, the house property was partitioned and given to accused Nos.2 and 3. In the reading of the entire complaint, nowhere it is made out that the petitioners/accused Nos.2 and 3 were in any manner harassing the respondent No.2. Making a bald allegation that the petitioners/accused Nos.2 and 3 were trying to send her away from the house, will not in any manner fall within the definition of cruelty.

10. In **Kahkashan Kausar @ Sonam and others v. State of Bihar**[1], the Hon'ble Supreme Court held that unless there are specific and distinct allegations against the accused, the proceedings can be quashed. Under Section 482 of Cr.P.C, the Court should be careful in proceeding against relatives who are roped in on the basis of vague and omnibus allegations.

11. The Hon'ble Supreme Court in the case of **Preeti Gupta v. State of Jharkhand**[2] held that the Courts have to scrutinize the allegations made with great care and circumspection, especially

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[1] (2022) 6 SCC 599
[2] (2010) 7 SCC 667

against husband's relatives who were living in different cities and rarely have visited or stayed with the couple.

12. Since the petitioners/accused Nos.2 and 3 are living separately and never residing along with accused No.1 and 2nd respondent, this Court deems it appropriate to quash the proceedings against accused Nos.2 and 3.

13. Accordingly, these Criminal Petitions i.e.,Crl.P.Nos.7809 of 2019 and 7894 of 2019 are allowed and the proceedings against petitioners/accused Nos.2 and 3 in C.C.No.12577 of 2019 on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad City Criminal Courts at Nampally, Hyderabad are hereby quashed. The Crl.P.No.8366 of 2019 is dismissed and the proceedings against accused No.1 in C.C.No.12577 of 2019 shall continue.

Miscellaneous applications pending, if any, shall stand closed.

SD/-NAYANI CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

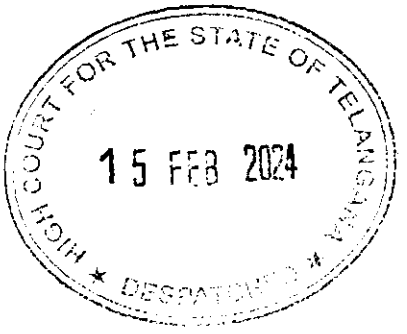
1. **The XIII Additioanal Chief Metropolitan Magistrate, Hyderabad , City Criminal Courts at Nampally, Hyderabad.**
2. **The Station House Officer , WPS, CCS, DD, Police Station, Hyderabad.**
3. **Two CCs to Public Prosecutor, High Court for the State of Telangana at** Hyderabad. (OUT)

4. One CC to SRI. B SHASHIDHAR, Advocate [OPUC]
5. One CC to SRI. P. PADMA RAO, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:09/01/2024



COMMON ORDER

CRIMINAL PETITION Nos : 7809, 7894 and 8366 OF 2019

ALLOWING THE ALL CRL.PEITITONS.

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15/2/24.