

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 2940 OF 2022

Between:

1. Smt. Bheemshetty Revathi and 3 Others, W/o. B.Venugopal, Aged about. 58 years, Occ. House Wife, R/o. Plot No. 27/N, Type-2, Phase-V, SF Colony, Vanastalipuram, Rangareddy District, TS (A2 and Mother of A1).
2. Bheemshetty Vikranth, S/o. B.Venugopal, Aged about. 37 years, Occ. Private Employee, R/o. Plot No. 27/N, Type-2, Phase-V, SF Colony, Vanastalipuram, Rangareddy District, TS (A3 and Brother of A1)
3. Smt. Dharoor Vasavi, W/o. D.Rajasekhar, Aged about. 40 years, Occ. House Wife, R/o. H.No. 7-10-108/1, Balaji Complex, Rajeev Marg, Gadwal Town, Jogulamba-Gadwal District, TS (A3 and Sister of A1).
4. Dharoor Rajasekhar, S/o. Krishnalah, Aged about. 47 years, Occ. Business, R/o. H.No. 7-10-108/1, Balaji Complex, Rajeev Marg, Gadwal Town, Jogulamba-Gadwal District, TS (A4 and Brother-in-law of A1)

...PETITIONER/ACCUSED A2 TO A4

AND

1. The State of Telangana and Another, Through SHO, Saroomagar, Women Police Station, Rachakonda District, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad
2. Smt. Nagamala Marjula @ Vennella, W/o. Bheemshetty Vamsi Krishna, Aged about. 35 years, Occ. Housewife, R/o. H No. 3-1-8/7, Narayanapuri Colony, Road No.4, Near Krishnaveni Talent High School, Lingojiguda, Saroomagar Mandal, Rangareddy District, TS.

...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 C.C. No. 2775 of 2021, on the file of V-Additional Metropolitan Magistrate-Cum-V-Addl. Junior Civil Judge, Cyberabad, at L.B. Nagar, Rangareddy District, TS, which was arose out of Crime No. 114/2021, dated. 23/02/2021, and same was registered U/Sec. 498(A), 323, 406, 506 of IPC, and Section 3 and 4 of DP Act, against the petitioners / Accused A2 to A5 herein, pursuant to the false and frivolous complaint of the 2nd respondent/complainant herein, and to quash proceedings thereon.

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 grant stay of all further proceedings including the appearance of the Petitioners / Accused A2 to A5, in C.C. No. 2775 of 2021, on the file of V-Addl. Metropolitan Magistrate-Cum-V-Addl. Junior Civil Judge, Cyberabad, at L.B. Nagar, Rangareddy District, TS, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PALLE NAGESWAR RAO, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1 and of the Respondent No. 2 not appearing either in person or by advocate.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.2940 of 2022

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.2775 of 2021 pending on the file of the V Addl. Metropolitan Magistrate - cum - V Addl. Junior Civil Judge, Cyberabad. The petitioners herein are accused Nos.2 to 5 in the said C.C. The offences alleged against them are under Sections 498-A, 323, 406 and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioners and learned Public Prosecutor for the State. Perused the record. With their consent this Criminal Petition is disposed of, at the admission stage.

3. As per the complaint dated 23-02-2022 the marriage of A-1 with 2nd respondent was performed on 16-05-2010.

Thereafter matrimonial disputes arose between them. Perusal of the charge sheet in the said Calendar Case would reveal that *prima facie* there are certain allegations against the petitioners herein and they are triable issues. This Court cannot consider the same in an application filed under Section 482 of Cr.P.C. The petitioners have to face trial and prove their innocence. In view of the same, this Court is not inclined to quash the proceedings in C.C.No.2775 of 2021 against the petitioners herein. However, in matrimonial disputes the identification of parties is not in dispute. Petitioner No.1 is mother, petitioner No.2 is brother, petitioner Nos.3 is sister and petitioner No.4 is brother-in-law of A-1.

4. However, considering the fact that the disputes between A-1 and 2nd respondent are matrimonial disputes, this Criminal Petition is disposed of dispensing with the presence of the petitioners herein / A-2 to A-5 only in C.C.No.2775 of 2021 pending on the file of the V Addl.

Metropolitan Magistrate - cum - V Addl. Junior Civil Judge, Cyberabad. However, they shall appear before the said Court as and when their presence is required.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

//TRUE COPY//

SD/-K.ONESIM
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The V Additional Metropolitan Magistrate, Cyberabad, at LB Nagar.
2. The Station House Officer, Saroornagar, Women Police Station, Rachakonda District.
3. One CC to SRI PALLE NAGESWAR RAO Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

MMA



HIGH COURT

DATED:31/03/2022



ORDER

CRLP.No.2940 of 2022

DISPOSING OF CRL. PETITION

ATM (9)
22/4/2022