

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 11748 OF 2023

Between:

Ananthagari Rajesh, S/o late Swamidas, Occ. Govt., Employee, R/o H No. 4-2-877/4, Kanyalal Bagh Colony, Vikarabad, Telangana.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Hyderabad, Telangana.
2. Munagalasetty Bharan Kumar, S/o M J Manohar, Occ. Private Service, R/o H No. 4-4-143, Gandhi Colony, Vikarabad, Telangana.

...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 and after examining the same to quash the C.C. No. 279 of 2018 on the File of Judicial First Class Magistrate-cum-Principal Junior Civil Judge, Vikarabad in connection with FIR No.100 of 2018 dt. 08/05/2018 of P.S. Vikarabad, Telangana U/Sec. 497, 506 IPC against the Petitioner / Accused to prevent abuse of process of Law and securing ends of justice.

I.A. NO: 1 OF 2023

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 of all further proceedings in pursuance of the Charge Sheet filed in C.C. No. 279 of 2018 on the File of Judicial First Class Magistrate -cum-Principal Junior Civil Judge, Vikarabad in connection with FIR No.100 of 2018 dt. 08.05.2018 of P.S. Vikarabad, Telangana U/Sec. 497, 506 IPC including appearance of the Petitioner/ Accused, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri LAKSHMI KANTH, Advocate for the Petitioner, Sri S. GANESH, Assistant Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No.2

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION No.11748 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner, who is arrayed as sole accused, to quash the proceedings against him in C.C.No.279 of 2018 on the file of the Judicial First Class Magistrate-cum-Principal Junior Civil Judge, Vikarabad in connection with F.I.R.No.100 of 2013, dated 08.05.2018 on the file of the Vikarabad Police Station, Vikarabad District, registered for the alleged offences punishable under Sections 497 and 506 of Indian Penal Code.

2. Heard learned counsel for the petitioner and Sri S. Ganesh, learned Assistant Public Prosecutor for respondent No.1-State. Perused the record.

3. Learned counsel for the petitioner/accused submitted that *vide* judgment dated 27.09.2018 in Writ Petition (Criminal) No.194 of 2017 in the case of **Joseph Shine Vs. Union of India**¹, the Hon'ble Apex Court has struck down the provision of Section 497 as unconstitutional being violative of Articles 14, 15 and 21 of the

¹ 2018 0 AIR (SC) 4898

Constitution of India. Learned counsel further submitted that the continuation of the allegations against the petitioner/accused under this section is illegal and arbitrary and cannot be sustained.

4. Having gone through the decision rendered by the Hon'ble Apex Court in the case of **Joseph Shine (cited supra)** and also the Charge Sheet which was filed against the petitioner/accused on 08.05.2018 whereas the judgment was rendered on 27.09.2018, this Court deems it fit and proper to direct the Court below to delete Section 497 from the Charge Sheet and thereafter, proceed only under Section 506 of IPC. Since the Charge Sheet is of the year 2018, this Court further deems it fit and proper to direct the Court below to conclude the proceedings in accordance with law within a period of six (6) months from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- A.V.S.PRASAD,
ASSISTANT REGISTRAR.

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate-cum-Principal Junior Civil Judge, Vikarabad.
2. The Station House Officer, Vikarabad Police Station, Vikarabad District.
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, Hyderabad.[OUT]
4. One CC to Sri LAKSHMI KANTH, Advocate [OPUC]
5. Two CD Copies

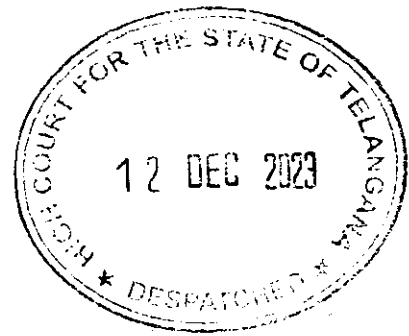
SP
ADK

HIGH COURT

DATED:29/11/2023

ORDER

CRLP.No.11748 of 2023



DISPOSING THE CRIMINAL PETITION

⑧ VWV
12/12/23