

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

WEDNESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10784 OF 2022

Between:

1. Kodakandla Padma, W/o. Kodakandla Chalam, Age 52 years, Occ. Housewife, R/o. 2-62/a, Keshavapur, Venkatapur Mandal, Narasapuram, Warangal, Kamareddy District. (A2)
2. Kodakandla Swetha, W/o. Cheruku Vamshi Krishna, Age 34 years, Occ. Software Engineer, R/o. Fortune Towers, Flat No.501, Raja Rajeswari Colony, Kondapur, Hyderabad - 500 084. (A3)
3. Kodakandla Chalam, S/o. Kondakandla Narayana, Age 59 years, Occ. Self employee, R/o. 2-62/a, Keshavapur, Venkatapur Mandal, Narasapuram, Warangal, Kamareddy District. (A4)

...PETITIONERS/ A-2,3 & 4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court Buildings, High Court Hyderabad, Through SHO, P.S. Kamareddy.

...RESPONDENT/ COMPLAINANT

2. Smt. Snehitha, W/o. Kodakandla Karthik, D/o. Narender Narendula, Age 28 years, Occ. Software Employee, R/o. 5-3-1/92, Housing Board Colony, Kamareddy, Kamareddy District.

...RESPONDENT/ DE-FACTO 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 CC.No.301 of 2022 on the file of Honorable Judicial First Class Magistrate, Kamareddy, Kamareddy District.

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 stay for all further proceedings including appearance of the petitioners/A-2,3 and 4 in CC.No.301 of 2022 on the file of Honorable Judicial First Class Magistrate, Kamareddy, Kamareddy District, pending disposal of the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s. DISHA LAW FIRM, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10784 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 to 4 to quash the proceedings against them in C.C.No.301 of 2022 pending on the file of Judicial First Class Magistrate at Kamareddy, Kamareddy District.

2. The 2nd respondent – *de facto* complainant filed a complaint against these petitioners and her husband – Accused No.1, stating that her marriage with Accused No.1 had taken place on 14.08.2020 and at the time of marriage dowry was also given. After 15 days of marriage, Accused No.1 started avoiding 2nd respondent and he used to roam with other woman and also talked with other women on phone. Further, Accused No.1 used to harass the 2nd respondent physically by beating her and asked her to get gold from her parents house. According to the complaint and 161 Cr.P.C. Statement of 2nd respondent, these petitioners were also harassing her physically and mentally. On 03.03.2021, Accused

No.1 had beaten her and demanded her salary to be given, or to sit at home. However, the 2nd respondent went to her parents house and lodged a complaint and the said complaint was registered for the offences under Section 498-A read with 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act. Having concluded investigation, police filed charge sheet for the aforesaid offences.

3. Heard learned counsel for the petitioners – Accused Nos.2 to 4 and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

4. Learned counsel for the petitioners would submit that except a single line stating that these petitioners have harassed her physically and mentally, there is absolutely no other evidence in the entire statement made by the witnesses and also in the charge sheet filed and requested this Court to quash the proceedings against these petitioners.

5. On the other hand, learned Additional Public Prosecutor would submit that the issues have to be determined by the Trial Court and unless the prosecution is given a chance to examine their

witnesses, the prosecution would be devoid of their chance to prove their case.

6. The Hon'ble Supreme Court in *Kahkashan Kausar @ Sonam and others v. State of Bihar and others*¹ and *Geeta Mehrotra and another v. State of Uttar Pradesh and another*² held that the Courts have to be cautious in allowing the prosecution of relatives of the husband on the basis of vague and omnibus allegations. Unless specific allegations are leveled against the relatives of the husband, the High Court can intervene under the inherent powers to quash the proceedings.

7. As seen from the complaint and the material along with the charge sheet, except stating that these petitioners have physically and mentally harassed the 2nd respondent, there is not even a single instance or event that has been narrated against these petitioners. The observations of the Hon'ble Supreme Court in the above said judgments are squarely applicable to the present facts of the case. Hence, the proceedings against the petitioners are liable to be quashed.

¹ Criminal Appeal No.195 of 2022

² Criminal Appeal No.1674 of 2012

8. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners – Accused Nos.2 to 4 in C.C.No.301 of 2022 pending on the file of Judicial First Class Magistrate at Kamareddy, Kamareddy District, are hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Kamareddy, Kamareddy District.
2. The Station House Officer, Kamareddy P.S.
3. One CC to M/s. DISHA LAW FIRM, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies
k.ar

BSR

HIGH COURT

DATED:18/01/2023



ORDER

CRL.P.No.10784 of 2022

ALLOWING OF THE CRLP

8

06/02/23

BSR