

HIGH COURT FOR THE STATE OF TELANGANA
FRIDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

CRIMINAL PETITION NO: 865 OF 2025

Between:

1. Shaik Farhan Ahmed, s/o Shaik jani Ahmed, Aged about 27 years, Occ. Pvt employee R/o RB Nagar Shamshabad, Ranga Reddy District
2. shaik jani, S/o Late Shiak Bandi Ali Ahmed Aged about 65 years, Occ. House hold R/o RB Nagar Shamshabad, Ranga Reddy District
3. Shaik Tahera Begum, W/o Shaik jani Ahmed Aged about 54 years, Occ. House wife, RB Nagar Shamshabad, Ranga Reddy District
4. Shaik Rumanan Begum, w/o Shaik Imran Ahmed Aged about 28 years, Occ. house wife R/o 20-110, RB Nagar Shamshabad, Ranga Reddy District
5. Shahanaz Begum, W/o Syed Mukram Ali Aged about 23 years, Occ. house wife R/o Moinmella, Shamshabad, Ranga Reddy District

...Petitioner/Accused(S)

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court of A.P., Hyderabad.
2. Mohd Sadia, W/o Shaik Farhan Haimed Aged about 21 years, Occ. House wife, R/o kethireddypally, village, Moinabad Mandal Ranga Reddy District

...Respondent/complainants

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the proceeding in C.C.No.2354 of 2024, pending before P.S. Moinabad Hyderabad District and pending on the file of Honble XIII Addl Judicial Magistrate Ranga Reddy District at Rejender Nagar.

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceeding in C.C. No. 2354 of 2024 pending before P.S. Moinabad Hyderabad District and pending on the file of Honble XIII ADDL Judicial Magistrate Ranga Reddy District at Rajendra Nagar.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri LOVANEET KUMAR SHARMA, Advocate for the Petitioner and Ms.S.Madhavi, the 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 HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

CRIMINAL PETITION No.865 OF 2025

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') by petitioners/accused Nos.1 to 5 to quash the proceedings against them in CC.No.2354 of 2024 on the file of XIII Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendra Nagar. The offences alleged against petitioners are under Sections 85 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard Mr. L.K.Sharma, learned counsel for petitioners and Ms. S. Madhavi, learned Assistant Public Prosecutor for the respondent No.1 – State. Perused the material on record.

3. A complaint was lodged by *De facto* complainant/ respondent No.2, on 21.08.2024. It is averred in the complaint that her marriage was performed on 17.02.2023, with petitioner No.1/accused No.1 and that petitioner Nos.2 and 3 are father-in-law and mother-in-law and petitioner Nos.4 and 5 are co-sister and sister-in-law of respondent

No.2. At the time of marriage *de facto* complainant's parents gave 6 tuals of gold and Rs.50,000/- in cash and other household articles as dowry to petitioners. It is alleged that petitioners/accused Nos.1 to 5 harassed respondent No.2 physically and mentally and she was not allowed to talk to her parents. It is further alleged that petitioner No.1 took away 4 tulas of gold out of 6 tulas at the time of marriage and petitioner No.1 used to abuse respondent No.2 in filthy language. That inspite of counseling, there is no change in the behaviour of petitioner No.1.

4. Charge sheet speaks of the same notice is issued to petitioners/accused Nos.1 to 5 under Section 35(3) of BNSS, directing them to appear.

5. Learned counsel for petitioners submitted that *de facto* complainant/respondent No.2 was married to petitioner No.1 on 17.02.2023. That there are no specific allegations or overt acts against any of the petitioners. Furthermore, that there are no specific allegations of physical or mental harassment on account of any dowry amount(s) or any items, except for a bald allegation that petitioners were harassing respondent No.2 physically and mentally. It is further submitted that

petitioner No.5 does not reside in the same house where the *de facto* complainant and petitioner Nos.1 to 4 were living. That, the allegations against petitioners are false and complaint is lodged only to harass petitioners. That the said complaint cannot be sustained and proceedings initiated under CC.No.2354 of 2024 are devoid of merits and the same can be quashed.

6. Learned Assistant Public Prosecutor submits that there are specific allegations regarding taking of 6 tulas of gold, Rs. 50,000/- in cash and mental and physical harassment to *de facto* complainant by petitioners/accused. That 4 tulas of gold was taken by petitioner No.1 from her and beating her. It is further submitted that charge sheet is filed. CC.No.2354 of 2024 on the file of XIII Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendra Nagar, is in preliminary stage and summons are issued to petitioners by Court. Hence, no interference is necessitated in this case, as investigation is completed and the said facts have to be concluded by way of trial.

7. Heard learned counsels, perused the record and considered the rival submissions.

8. Respondent No.2 was married to petitioner No.1 on 17.02.2023, it is observed from the record that for the first two months petitioner No.1 and respondent No.2 lived happily and it is alleged that after two months, petitioner No.1 with the support of his family members harassed respondent No.2 physically and mentally for additional dowry. On perusal of the record, it is observed that either in the complaint or in the charge sheet there are no specific overt acts attributable to petitioners/accused Nos.1 to 5. When there are no specific allegations or overt acts attributed, there can be any amount of doubt with regard to the allegations in the complaint.

9. Be that as it may, this Court is not inclined to delve into the nature of allegations whether they are bonafide in nature or not as contended, as it is for the trial Court to decide.

10. Taking into account the entire factual matrix of the case, this Court is of the considered opinion, that presence of petitioner Nos.2 to 5/accused Nos.2 to 5 can be dispensed

with and is accordingly dispensed with. No such relief is granted for petitioner/accused No.1.

11. It is made clear that petitioner Nos.2 to 5 shall present themselves before the learned Magistrate, if their presence is required. Petitioner Nos.2 to 5 shall file affidavit(s) that they will not dispute their identity and that the proceedings can go on in their absence, to be conducted by their counsel(s). Learned counsel(s) for petitioner Nos.2 to 5 shall represent before the trial Court without fail on all dates. Petitioner Nos.2 to 5 shall not dispute the proceedings conducted in their absence. This order shall stand vacated automatically, if petitioner Nos.2 to 5 fails to attend the proceedings as and when summoned by Court and also when the counsel(s) representing petitioner Nos.2 to 5 fail to attend Court proceedings on the dates. Any observations made in this order shall not influence the trial Court while considering or concluding the case at the time of trial

12. With the above observations, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

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Sd/- N. SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XIII Addl Metropolitan Magistrate of First Class, Cyberabad at Rajendra Nagar, Rangareddy District.
2. The Station House Officer, P.S Moinabad, Cyberabad, Hyderabad.
3. Two CC to Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to SRI. LOVANEET KUMAR SHARMA Advocate [OPUC]
5. **Two CD Copies**

tpk/gh

HIGH COURT

DATED:31/01/2025



ORDER

CRLP.No.865 of 2025

CRIMINAL PETITION DISPOSED OF

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L.P.
25/2/25