

IN HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE THIRTIETH DAY OF AUGUST  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 8272 OF 2023

**Between:**

Mohammed Abdul Haq @ Naveed, S/o M.A. Muqem, Aged about 29 years,  
Occ. Private Employee, R/o H.No 11-3-362/4/B, Srinivasa Nagar, Secunderabad.

...PETITIONER/ACCUSED

**AND**

1. The State of Telangana, Through S.H.O., Kazlapattar Police Station,  
Hyderabad, District, Rep. by Public Prosecutor, High Court, Hyderabad.
2. Smt. Tahhnath Jabeen, W/o Mohammed Abdul Haq and Naveed, Aged about  
21 years, Occ. Housewife, R/o H.No. 19-2-23/M/C/9/A, Kalapathar,  
Bahadurpura, Hyderabad.

...RESPONDENTS/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 call for the records relating to the F.I.R.No. 91 of 2023 on the file of Kalapattar Police Station, Hyderabad and quash the proceedings thereon.

I.A. NO: 2 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 grant stay of all further proceedings including the appearance of the petitioner in F.I.R.No. 91 of 2023 on the file of Kalapattar Police Station, Hyderabad.

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

**The Court made the following: ORDER**

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.8272 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (for short 'Cr.P.C.') by petitioner -- accused to quash the proceedings in FIR No.91 of 2023 on the file of Station House Officer, Kalapattar Police Station, Hyderabad. The offences alleged against the petitioner are punishable under Sections 448 and 506 of the Indian Penal Code (for short 'IPC') and Section 4 of Muslim Women's Act (Protection of Rights on Marriage Act, 2012).

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

3. The facts of the case, in brief, are that respondent No.2 filed a private complaint on the file of the Special Judicial First Class Magistrate for Excise Cases, Hyderabad, alleging that on 01.05.2023, she filed a petition stating that her marriage was performed with petitioner on 06.03.2020 and out of the wedlock, she begot a child and led happy marital life for few days. Later, petitioner and his family members harassed respondent No.2 for additional dowry. In such, she filed a complaint before

Mailardevpally Police Station wherein a case in FIR No.879 of 2022 was registered and the same is pending. Keeping the grudge in mind, petitioner went to the residence of respondent No.2 on 01.05.2023 and entered into her house and abused her in filthy language and pronounced Triple Talaq and later respondent No.2 tried to contact the petitioner herein, but in vain, as such she lodged a complaint before Kalapathar Police Station, but the police did not take any action, as such she was constrained to prefer a private complaint. Basing on the private complaint, the learned Magistrate has referred the complaint to Kalapattar Police Station who in turn registered FIR No.91 of 2023.

4. It is contended by learned counsel for the petitioner that the marriage of the petitioner was performed with respondent No.2 on 06.11.2020 on a deferred Mehar amount of Rs.31,000/- as per Muslim rites and customs and out of the wedlock, the respondent No.2 begot a male child on 15.07.2022. It is further contended by the learned counsel for the petitioner that respondent No.2 was pursuing her B.Sc. from St. Anns College, Mehdipatnam and after the marriage, she intimated that she is not interested for the marriage and continued to harass the petitioner physically and mentally and the petitioner waited that respondent No.2 would

change her behavior. It is further contended by the learned counsel for the petitioner that respondent No.2 used to pick up quarrels with petitioner, as such the petitioner being vexed with her attitude issued legal notice to respondent No.2 calling upon her to join him and also sent the money for her expenses, but the same were returned. As there is no chance of re-union, the petitioner herein sent a bar amount to respondent No.2 and executed a Talaq-E-Ahsan (single divorce) declaration on 18.01.2023. Aggrieved by the same, respondent No.2 lodged a false complaint against the petitioner and his family members and the same was registered as F.R No.879 of 2022 for the offences punishable under Sections 494-A, 313 and 354-A IPC and Sections 3 and 4 of D.P. Act. Learned counsel for the petitioner further contended that on the alleged date of incident i.e., on 01.05.2023, the petitioner went to his office to perform his duties, as such the question of trespassing into the house of respondent No.2 does not arise. Therefore, he prayed to quash the proceedings against the petitioner.

5. On the other hand, learned Assistant Public Prosecutor contended that it is not a fit case to quash the proceedings against the petitioner at this juncture, as the police have to

investigate the case and file a report before the concerned Magistrate.

6. Taking into consideration that the punishment prescribed for the offences alleged against the petitioner - accused is less than seven (7) years, this Court deems it appropriate to direct petitioner-accused to appear before the Investigating Officer on or before 05.09.2023 between 2:00 P.M. and 4:00 P.M. The Investigating Officer shall follow the procedure laid down under Section 41-A Cr.P.C. and also the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar**<sup>1</sup> scrupulously. However, petitioner - accused shall cooperate with the Investigating Officer as and when required by furnishing information and documents as sought by him for concluding the investigation. Further, petitioner - accused is directed not to influence or threaten the witnesses in this case in any manner and is permitted to make his oral submissions and to file documents, if any, to prove his innocence and the Investigating Officer shall consider the same before filing any report.

7. With the above directions, the Criminal Petition is disposed of.

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<sup>1</sup> (2014) 8 SCC 273

Miscellaneous applications, if any pending, shall stand closed.

**SD/- P. GOWRI SHANKAR**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Special Judicial First Class Magistrate at for Excise Cases Hyderabad.
2. The Station House Officer Kalapattar Police Station, Hyderabad
3. One CC to SR VEMPATI MALLIKARJUN SHASTRY, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad(OU ).
5. Two CD Copies

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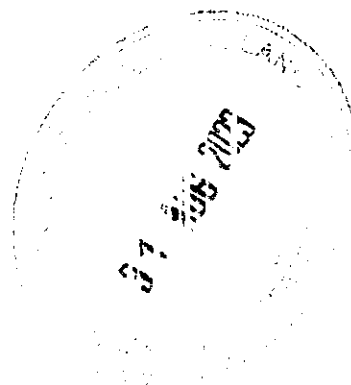
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**HIGH COURT**

**DATED:30/08 2023**

**ORDER**

**CRLP.No.8271 of 2023**



**DISPOSING CF THE CRLP  
WITHOUT COSTS**

*(S)*  
*11/11*  
*3/12/23*