

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3092 of 2015

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/A6 seeks to quash the proceedings against him in S.C.No.60 of 2015 on the file of VII Additional Metropolitan Sessions Judge, Nampally, Hyderabad.

2) In Cr.No.138 of 2014, the police of Reinbazar Police Station, Hyderabad laid charge sheet against A1 to A6 for the offences under Sections 302, 304B 498A, 109 r/w 34 IPC and Sections 3, 4, 6 of Dowry Prohibition Act. It is a dowry death case wherein the deceased —Sana Khanam died in suspicious circumstances within seven years of her marriage at her in-laws house. A1 is the husband of the deceased. A2 and A3 are parents, A4 is the sister and A5 is the brother-in-law of A1. A6 is the Head Constable of Reinbazar Police Station. On the report given by mother of deceased the police conducted investigation and laid charge sheet against the accused. Admittedly, A6 is not the member of A1's family. The only allegation against A6 is that when A1 to A5 were harassing the deceased physically and mentally for additional dowry, the deceased along with LW3 went to Reinbazar PS to give complaint against A1 to A5, at that time A6 stopped them and not allowed to give complaint to SHO, Reinbazar PS and advised them not to come Police Station frequently as it was a family dispute.

3) Having regard to the nature of allegations, learned counsel for petitioner/A6 argued that even if the charge sheet allegations are uncontroverted, they do not show any *prima facie* case against the petitioner/A6 and therefore, proceedings may be quashed against him since continuation of the proceedings would amount to abuse of process of law.

4) Learned Additional Public Prosecutor fairly conceded that no case is made out against petitioner/A6.

5) Hence the point for determination is:

“Whether there are merits in this petition to allow?”

6) **POINT**: A perusal of charge sheet and other material discloses that except that when deceased and LW3 once approached the Police Station A6 advised not to approach the Police Station frequently as it is a family matter, no other allegations were made against him showing his involvement in the main offence. Even the aforesaid allegations also not showing his involvement with other accused in causing death of the deceased. Mere advice on his part not to approach the Police Station frequently cannot be taken as an offence. Therefore, I find force in the argument of petitioner’s counsel to the effect that continuation of proceedings against the petitioner/A6 amounts to abuse of process of law.

7) In the result, this Criminal Petition is allowed and proceedings in S.C.No.60 of 2015 on the file of VII Additional Metropolitan Sessions Judge, Nampally, Hyderabad are quashed against petitioner/A6.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 28.04.2015

Murthy