

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No.3643 of 2015

Order:

The instant Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the FIR registered in Crime No.42 of 2015 of Women Police Station, Karimnagar, Karimnagar District, alleging the offences punishable under Sections 498-A, 323 read with 34 IPC and Section 4 of the Dowry Prohibition Act, 1961, against the petitioners herein, who are arraigned as A-2 to A-9, and also the first accused, who is not a party to the instant petition, who is no other than the husband of the second respondent herein.

2. Certain allegations have been made in the complaint in the direction of the acts constituting cruelty and even going to the extent of torturing her for abortion. Though, specific names are not mentioned in the complaint, but, by relationship the relatives have been referred to in paragraph '3' of the complaint who alleged to have participated in the commission of offences alleged by the second respondent, whose parents-in-law are A-2 and A-3 and brothers and sisters-in-law and other relatives are A-4 to A-9.

3. Heard both sides.

4. Learned counsel for the petitioners submits that no concrete allegations have been mentioned in the complaint, more particularly, when a separate family was set up by the first accused with the second respondent, and since the second respondent, having left for delivery to her parents house, the allegations herein are invented to falsely implicate the petitioners at the instance of the relatives of the second respondent and, therefore, sought to quash the proceedings. Learned counsel has also filed residence proof of the petitioners herein.

5. Learned Assistant Public Prosecutor has opposed the said request.

6. Be that as it may, it is not a fit case where the abuse of process of law, at this stage, can be culled out to quash the FIR itself, when there are certain concrete allegations in the complaint filed by the second respondent. During the course of arguments, learned Assistant Public Prosecutor also submitted the CD file showing that notices under Section 41-A Cr.P.C. were issued. On a perusal of the same, it is found that notices under Section 41-A Cr.P.C were issued to the first accused and to the petitioners 2 and 3, who are A-2 and A-3 respectively.

7. Thus, keeping in view, the separate residence of the first accused and the second respondent for some time and the residence of petitioners 3 to 8, with a direction to the police, Women Police Station, Karimnagar, Karimnagar District, not to arrest the petitioners 3 to 8 herein, the instant Criminal Petition is disposed of, however, directing the petitioners 3 to 8 that they shall appear before the concerned police as and when instructed for the purpose of completion of investigation.

8. Accordingly, the instant Criminal Petition is disposed of.

9. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 01.05.2015

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