

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.8779 OF 2015

ORDER:

The petitioner/accused No.5 filed this Criminal Petition under Section 482 of the Code of Criminal Procedure to quash the proceedings against him in C.C.No.108 of 2015 on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar, registered for the offences punishable under Section 498-A of the Indian Penal Code (IPC) and Sections 3 and 4 of the Dowry Prohibition Act, 1961 ("the Act" for brevity).

Heard the learned counsel for the petitioner/accused No.5 and the learned Public Prosecutor for the respondents.

Learned counsel for the petitioner/accused No.5 submitted that except the allegation made against B.Vamsi Goud, B.Sainath Gound, N.Shobha and Y.Venkatesh Goud, that they are obstructing the second respondent-*de facto* complainant to lead marital life, no specific allegation is made against the petitioner/accused No.5 attracting the offence punishable under Section 498-A IPC and Sections 3 and 4 of the Act and only on the strength of the complaint dated 25.12.2014, the police registered Crime No.226 of 2014 and issued FIR.

Learned Public Prosecutor fairly conceded that except the allegation that the petitioner/accused No.5 along with B.Vamsi Goud, B.Sainath Goud, N.Shobha and Y.Venkatesh Goud became an obstruction for the *de facto* complainant to lead marital life, there is nothing to suggest that the petitioner committed offences punishable under Section 498-A IPC and Sections 3 and 4 of the Act. Even if the allegations made in the complaint are accepted on the face of complaint, those allegations would not attract the above offences.

On perusal of the entire material on record including the allegations made in the complaint, which is earliest in point of time, no specific allegation is found against the petitioner/accused No.5 attracting act of cruelty towards the *de facto* complainant for her failure to meet the illegal demand of dowry except a bare allegation made that he became obstruction for her to lead marital life. *Prima facie*, I find no material to proceed against the petitioner for the offences under Section 498-

A IPC and Sections 3 and 4 of the Act. In the absence of any specific allegation against the petitioner/accused No.5 to constitute any of the offences referred above, the question of proceeding further against him does not arise. Hence, I find that it is a fit case to quash the proceedings against the petitioner/accused No.5.

Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.108 of 2015 on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar, insofar as the petitioner/accused No.5 only are hereby quashed. Miscellaneous petitions, if any, pending shall stand closed.

(M.SATYANARAYANA MURTHY, J)

6th October 2015

RRB