

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7971 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/A-1 to A-5 under Section 482 Cr.P.C seeking to quash the proceedings in F.I.R.No.187 of 2014 on the file of Women Police Station, Charminar South Zone, Hyderabad, registered for the offences punishable under Sections 406, 506 and 498-A read with 34 I.P.C. and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioners/A-1 to A-5, respondent No.1 – State represented by the Public Prosecutor (Telangana) before admission, and before ordering notice to respondent No.2 – *de facto* complainant, and perused the material on record including Crime No.97 of 2010 on the file of Humayun Nagar Police Station, Hyderabad, which was registered earlier against three accused herein by the same *de facto* complainant for the offence punishable under Section 498-A I.P.C., which is the outcome of the report of respondent No.2 on 21.3.2010, and the present report covered by Crime No.187 of 2014, which is the outcome of a private complaint of respondent No.2 that was referred to police for investigation by the learned Magistrate under Section 156(3) Cr.P.C. in registering the crime.

3. It is the contention of the learned counsel for the petitioners that it is a false accusation engineered not satisfied with Crime No.97 of 2010 and A-1 herein already filed O.P.No.508 of 2009 on the file of the Judge, Family Court, Secunderabad for divorce and that respondent No.2 is not even residing in the abode of A-1 much less no way concerned with other accused and thereby, the F.I.R. proceedings are liable to be quashed.

4. After perusal of the entire material on record, the material falls short for this Court to admit the Criminal Petition for quashing under Section 482 Cr.P.C., as the investigation shall go on as both the cases are on different facts, but with any little overlapping. However, the factual matrix entitles to the concession of bail by the petitioners.

5. Accordingly, the Criminal Petition is disposed of giving liberty to the petitioners/A-1 to A-5 to surrender before the learned Magistrate concerned and move for regular bail with notice to the learned Assistant Public Prosecutor concerned and in such an event, after hearing, the learned Magistrate shall grant bail with necessary conditions on the same day. Needless to say, the presence of the petitioners shall be dispensed with at post bail stage pending investigation before the concerned Court. Further remedies are left open to the petitioners after police filing final report and cognizance taken by the learned Magistrate concerned.

6. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. JUSTICE B.SIVA SANKARA RAO

Date: 11.9.2015
AMD

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

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