

HON'BLE Smt JUSTICE ANIS

CRIMINAL PETITION No.2664 of 2015

ORDER:

This Criminal Petition is filed by the petitioner – A.3, under Section 482 Cr.P.C, seeking quashing of proceedings in C.C.No.73 of 2009 on the file of Judicial Magistrate of First Class, Hindupur, Anantapur District.

The allegations in the charge sheet are that the marriage of the second respondent (complainant) was performed with A.1, and the second respondent was harassed by the petitioner and others for additional dowry and forced her to go for abortion. Based on the said allegations, Crime No.74 of 2008 was registered. After completing investigation, a final report was filed by the Sub-Inspector of Police, Parigi Police Station treating the case as false. Not satisfied with the final report, a private complaint was filed in the Court of Judicial Magistrate of First Class, Hindupur and that the learned Magistrate recorded the sworn statement of the complainant, took cognizance of the offence and registered the complaint as C.C.No.73 of 2009. Hence, the petitioner – A.3 seeks to quash the proceedings.

Learned counsel for the petitioner submits that no serious allegations are levelled against the petitioner; that this Court, by order dated 17.10.2012 in CrI.P.No.990 of 2012, quashed the proceedings in C.C.No.73 of 2009 as against A.2, A.4 and A.5; and that, since no specific instance of harassment is attributed to the petitioner – A.3, mother-in-law of the complainant, the proceedings in C.C. may be quashed.

On the other hand, learned Public Prosecutor appearing for the State submits that serious allegations are made against the petitioner in the complaint which can only be gone into during the course of trial and, therefore, sought to dismiss the petition.

Admittedly, the C.C. is of the year 2009. The petitioner has not made out any case to quash the proceedings in C.C.No.73 of 2009. Since specific

allegations are levelled against the petitioner, her request for quashment of the proceedings in C.C.No.73 of 2009 cannot be considered.

Learned counsel for the petitioner submits that, since the petitioner is an old lady, a lenient view may be taken to dispense with her presence as her presence may not be necessary on every date of adjournment.

Taking into consideration the facts and circumstances of the case, the age of the petitioner, and she being a lady, and the fact that her presence may not be necessary on every date of adjournment, her presence is dispensed with except on the dates when her presence is specifically required by the Court.

With the aforesaid observation, the Criminal Petition is dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed.

ANIS,J

Date:02.04.2015

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