

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.7549 of 2009

ORDER:-

This petition is filed under Section 482 Cr.P.C., to quash all further proceedings in C.C.No.357 of 2009 on the file of the IX-Additional Chief Metropolitan Magistrate, Secunderabad.

2. The allegations in brief are as under:-

The non-petitioner/A.1 was originally a Hindu by religion and the petitioners/A.2 to A.5 are his parents, sister and brother-in-law. The 2nd respondent is the wife of the non-petitioner/A.1. In order to get married to the 2nd respondent, the non-petitioner/A.1 converted himself into Islam and married her on 10-12-1995 and they are blessed with a daughter, aged about 13 years, and a son, aged about two and half years. In order to marry the 2nd respondent, the non-petitioner/A.1 had to leave his parents/petitioners and started living separately. The allegations are that the non-petitioner/A.1 used to subject the wife to harassment and ill-treatment demanding money. A detailed and comprehensive complaint has been filed, the gist of which is that several occasions the father of the 2nd respondent had to meet the demands of the non-petitioner/A.1. It is alleged that several amounts were given to the non-petitioner/A.1 for the purposes of doing business in lorry transport, travel agency, shoe centre etc. It is alleged that slowly the petitioners started visiting the house of the non-petitioner/A.1 and the 2nd respondent and were poisoning the mind of the husband. On their instigation, the non-petitioner/A.1 used to further harass the 2nd respondent. It is alleged that the petitioner/A.4 and her husband (A.5) along with one another lady by name Sarada used to instigate the non-petitioner/A.1 to marry a lady by name Padma who was a widow having a 14 years old daughter and working in Rail Nilayam. It is also alleged that the petitioners/A.2 to A.5 also used to illtreat and harass the 2nd respondent. Their intention was to see that

the non-petitioner/A.1 and the 2nd respondent should not live happily and the non-petitioner/A.1 should divorce the 2nd respondent so that they can reconvert A.1 to Hinduism and perform his marriage and get substantial amount by way of dowry.

3. The contention of the petitioners/A.2 to A.5 is that admittedly the non-petitioner/A.1 having converted into Islam has left the family and ever since then they have nothing to do with the personal life of the husband and wife. It is contended that they are falsely implicated only to see that they are harassed for no fault of theirs. Therefore, continuing the proceedings against them will be nothing short of abusing the process of criminal justice.

4. Learned Counsel appearing for the 2nd respondent on the other hand submits that there are specific allegations against the petitioners including the parents, sister and brother-in-law of the husband/A.1 and they all have subjected the 2nd respondent to harassment and cruel treatment. Learned Counsel further submits that after the present complaint was filed, the disputes between the families have settled amicably and the non-petitioner/A.1 and the 2nd respondent are living together. That aspect is however not borne out from the record.

5. Having carefully perused the entire contents of the detailed complaint and the charge-sheet, what is noticed is that *prima facie* there were specific allegations against the petitioners/accused made by the 2nd respondent insofar as the alleged treatment, which according to the 2nd respondent, was very cruel and harsh. There are specific allegations that the sister and brother-in-law of the non-petitioner/A.1 even gone to the extent of instigating A.1 to divorce the 2nd respondent and reconvert into Hinduism and marry Hindu widow, so that he get substantial amount of dowry. A perusal of the charge-sheet and the material placed on record are *prima facie* sufficient for proceeding with the case against the accused and it cannot be said that the allegations on the face of it are baseless or unfounded. The

truthfulness or otherwise of the allegations cannot be adjudicated at this stage. Therefore, there are no merits in the petition to quash all further proceedings. However, taking into consideration the age of the petitioners/accused and their relationship with the warring couple, I feel that the interest of justice demand that their presence during the trial on every date of hearing is dispensed with.

6. In the result, the Criminal Petition is dismissed. The learned Magistrate is directed to dispose of the Calendar Case, as expeditiously as possible, preferably within a period of six months from the date of receipt of records, without, however, insisting the presence of the petitioners/A.2 to A.5 on every date of hearing unless their presence is required for any specific purposes.

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

M.S.K.Jaiswal, J

September, 2015

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