

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4086 of 2014

-

ORDER :

This Criminal Petition is filed by Petitioners/Accused Nos.1 to 4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.914 of 2013 on the file of Judicial Magistrate of the First Class, Miryalaguda, Nalgonda District which is the outcome of the report of the 2nd respondent/defacto-complainant in Crime no.51 of 2013 of Miryalaguda II Town Police Station registered for the offences punishable under Sections 498-A and 324 I.P.C and Sections 3 and 4 of the Dowry Prohibition Act.

2) The report of the defacto-complainant dated 19.03.2013 to the Miryalaguda Police Station reads that the defacto-complainant Md.Shahana is no other than wife of late Khaja Moinuddin who is none other than brother of A-1 and A-2 and husband of A-1 is A-3 and of A-2 is A-4, that her marriage with late Khaja Moinuddin was performed on 19.04.1998 and for about 10 years they lived happily and they blessed with two sons by name Farood aged 12 years and Sahit aged 10 years, that after 10 years of marriage, her husband started harassing her at the instance of the accused persons for Rs.1,00,000/- additional dowry, physically and mentally and she was necked out five years back from the house at S.N.Puram, Vijayawada, that she came to know recently of her husband died three years back and she was not informed and on came to know four months back of his death three years back when she tried to enter, she was not allowed by accused persons with a demand to meet additional dowry of Rs.1,00,000/- for entering into the house, hence to take action.

3) A perusal of the very report speaks that five years back, she was necked out from the house and the alleged harassment is by husband of her at the instance of two sisters and their respective husbands. There are no specific instances muchless with dates and place against any of the accused, but for the vague allegations. Even taken for arguments sake, said allegation is true, it

was to her knowledge taken place five years back and the limitation starts from the very day and the offence under Section 498-A I.P.C is one punishable upto the maximum of three years the limitation for reporting the occurrence to register the crime is three years and the same is hopelessly barred from her very report for the past acts of harassment during the life time of her husband by her late husband at the instigation of his sisters and brother-in-law, the accused herein. Once that allegation for the offence under Section 498-A I.P.C and Sections 3 and 4 of the Dowry Prohibition Act barred by limitation, the same no way survives. Even coming to the allegation of in the recent past four months back, she came to know about her husband death three years back and went to the accused persons at Vijayawada from her parents of Miryalaguda, the accused persons allegedly demanded additional dowry of Rs.1,00,000/- to permit her to enter their house is highly absurd to believe.

4) Having regard to the above, the crime proceedings is nothing but clear abuse of process and out of spite and vengeance, if any to settle any scores and civil dispute in relation to any property claims of her late husband, for which there are civil remedies, but not to allow the criminal prosecution by abuse of process.

5) In the result, the criminal petition is allowed and all the proceedings in C.C. No.914 of 2013 on the file of Judicial Magistrate of the First Class, Miryalaguda, Nalgonda District are hereby quashed. Consequently, miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

15.09.2015

ksh