

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9801 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.2 to 9 under Section 482 Cr.P.C seeking to quash the Crime No.554 of 2015 of Women Police Station, DD, Hyderabad, registered for the offences punishable under Sections 498-A, 406 IPC r/w Sections 4 & 6 of Dowry Prohibition Act, 1961.

2) Heard learned counsel for the petitioners/ accused Nos.2 to 9. The 2nd respondent—*defacto* complainant herein even served, failed to attend, hence taken as heard and perused the material on record.

3) A perusal of the material on record would show that the *defacto* complainant lodged a complaint dated 23.01.2015 and after counseling if any meantime the same was registered on 07.09.2015 as Crime No.554 of 2015 of the Women Police Station, DD, Hyderabad, for the offences punishable under Sections 498-A, 406 and Sections 4 & 6 of D.P Act. It is subsequent to the registration of crime, while the crime is under investigation by police, as can be seen from the documents filed by the petitioners/ accused Nos.2 to 9 as additional material, there was already a settlement between the *defacto* complainant and accused persons vide agreement dated 20.09.2014 executed through elders and the valuables of one remaining with and belongs to others were to be exchanged and a date was fixed for the same as 20.12.2014 and the articles and amounts were also mentioned as part of the settlement running in two pages. The learned counsel for the petitioners placed reliance on the letter of *defacto* complainant dated 19.03.2015 addressed to Supporting Center CCS & WPS, Hyderabad to withdraw the complaint dated 23.01.2015 given by her. While observing the same, this Court on 23.09.2015 granted interim stay of arrest of the petitioners for a period of five weeks and later on 30.10.2015 while reserving the matter for orders, interim stay granted earlier was extended till pronouncement of final orders. It is the submission that even the so-called letter was addressed to the police on 19.03.2015 expressing by the *defacto*

complainant of her intention to withdraw the complaint, the police registered the crime, which is nothing but abuse of process of law. The so-called letter addressed by the *defacto* complainant to police is also filed, which reads that the *defacto* complainant has received back the items mentioned i.e., house hold articles on 19.03.2015 and the letter addressed by her shows she intends to withdraw the complaint dated 23.01.2015 against the accused persons. The 1st respondent/ police represented by State through public prosecutor not stated anything regarding the letter and its genuineness about the *defacto* complainant withdrawal of the complaint addressed to police. Though the IPC offences are compoundable but for the D.P Act offences, once the *defacto* complainant by addressing a letter withdrawn the report not even registered the crime by then, there is nothing to survive, for registration of the crime on 07.09.2015, from her report dated 23.01.2015 and the *defacto* complainant did not chose to contest or dispute the same also substantiates the truth in the withdrawal letter and it is not the say by police of no such letter received.

4) In fact a perusal of further enclosures in the quash petition shows her letter addressed to the Inspector of Police, WPS, CCS, Hyderabad was dated 23.01.2015 and it was received and endorsed for counseling and by showing nothing more, the Joint Commissioner of Police on 07.09.2015 made an endorsement to register the crime and the FIR speaks the said letter was received on 07.09.2015 as per the direction of the Joint Commissioner of Police and the crime is registered on that even date.

5) When the very report dated 23.01.2015 of her shows there was an endorsement on the same itself by Deputy Commissioner of Police to the supporting Center CCS, WPS Hyderabad to call for the parties and do the needful, subsequently, the *defacto* complainant addressed a letter to the supporting Center of CCS & WPS, Hyderabad on 19.03.2015 withdrawing the said complaint dated 23.01.2015, even though it is of her said report and subsequent letter kept pending all through, the police without referring to the same, simply on 07.09.2015 by making the endorsement ignoring the *defacto* complainant already withdrew the same as referred supra, the continuation of the proceedings is nothing but abuse of process

and the proceedings are thus liable to be quashed to subserve the ends of justice for nothing to show from *defacto* complainant’s letter or earlier settlement of any dowry demands or harassment by accused.

6) Accordingly, the Criminal Petition is allowed and all the proceedings relating to Crime No.554 of 2015 on the file of Women Police Station, DD Hyderabad so far as petitioners/ accused Nos.2 to 9, are hereby quashed. The bail bonds of the petitioners/ accused Nos.2 to 9, if any, shall stand vacated.

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

Dr. B. SIVA SANKARA RAO, J

Dt. .12.2015

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date: .12.2015

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