

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6523 of 2015

ORDER:

The Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) seeking to quash the proceedings in C.C.No.64 of 2015 on the file of the Judicial Magistrate of First Class, Nandyal, arising out of offences under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Heard and perused the material available on record.

After arguing for some time, learned counsel for the petitioners confines his arguments in connection with petitioner No.4/A.5. He submits that petitioner No.4, is arrayed as A.5, only on the ground that A.5 is the concubine of A.1, who is the husband of the *de facto* complainant. He further submits that as per Section 498-A IPC, the prosecution can be initiated against the persons, who are relatives of the husband of a woman subjecting to cruelty. Hence, A.5 is not the relative of the husband of the complainant and as such, the proceedings initiated against petitioner No.4/A.5 are liable to be quashed.

This Court is also of the view that petitioner No.4/A.5 cannot be considered as relative of A.1/husband of the *de facto* complainant, and as such, the proceedings initiated against the petitioner No.4/A.5 are liable to be quashed.

The criminal petition is accordingly disposed of and the proceedings in C.C.No.64 of 2015 on the file of the Judicial Magistrate of First Class, Nandyal, insofar as petitioner No.4/A.5 are concerned, are hereby quashed and the petitioner No.4/A.5 is acquitted of the offences alleged against her.

Insofar as petitioner Nos.1 to 3/A.2 to A.4 are concerned, their presence before the Court below is dispensed with as the question of identity of them does not arise. They shall represent their case through their counsel on all hearing dates, except on the dates when the Court below insists for their appearance.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

07.04.2016

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