

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3986 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in Crime No713 of 2015 on the file of Women Police Station, DD, Hyderabad registered for the offences punishable under Sections 498-A, 406 IPC and Sections 4 and 6 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

The main grievance of the petitioner is that the 2nd respondent/ de facto complainant falsely implicated her into the alleged offences of cruelty and harassment as she never related to her husband or not even a family member of her husband and the said allegations are omnibus in nature and nothing was attributed against the petitioner. It is the further case of the petitioner that the ingredients of Section 498-A do not attract insofar as the petitioner/A-4 is concerned as the same would attract only to the relatives of the husband or the family members, as the case may be and hence, in the absence any direct relationship of the petitioner/A-4 with the de facto complainant, no ingredients under Section 498 A IPC or the alleged sections of 4 and 6 of Dowry Prohibition Act are attracted to the petitioner.

On perusal of the complaint lodged by the de facto complainant, it is evident that the petitioner/A-4 is alleged to be concubine of the husband of the de facto complainant and except the said bald allegation no other allegation is made against the

petitioner/A-4 involving her active participation in the alleged cruelty, harassment and demand for additional dowry.

Section 498 A IPC says that whoever, being the husband or the relative of the husband of a woman, subject such woman to cruelty shall be punishable under the said provision.

A reading of the ingredients of the said provision make it clear that the ingredient of the section attracts only to the person who is relative or family member of the husband, but to any person not related to the husband. In the instant case, the petitioner/A-4 was never stated to be the relative or family member of the husband of the de facto complainant. In the absence of any direct relationship of the petitioner/A-4 with the husband of the de facto complainant either relative or member of the family, initiation of criminal proceedings against the petitioner/A-4 is nothing but an abuse of process of law and cannot be sustained in the eye of law. In such circumstances, the continuation of criminal proceedings in Crime No.713 of 2015 is an abuse of process of law, and the same is liable to be quashed.

Accordingly, the criminal petition is allowed and the proceedings initiated against the petitioner/A-4 in Crime No.713 of 2015 on the file of Women Police Station, DD, Hyderabad are quashed insofar as the petitioner/A-4 is concerned. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 22-03-2016

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