

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4582 OF 2013

ORDER:

This petition is preferred by A.2 to A.5 under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.335 of 2008 pending on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad for the offences under Sections 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act.

The complainant-3rd respondent herein is the wife of A.1. Petitioners 1 & 2-A.2 & A.3 are the parents of A.1 and A.4 is the younger brother of A.2 and A.5 is the wife of A.4. A.1 and the petitioners herein used to harass the complainant demanding additional dowry and even while she was in Australia, A.1 used to torture her physically and mentally. After coming back to India when she proceeded to her in-laws place, they did not allow her to enter into their house.

Heard and perused the material available on record.

The learned counsel for the petitioners contended that after obtaining divorce from A.1 in Australia, the complainant came to India and filed the false complaint against the petitioners herein. It is contended that except the bare allegations which are general in nature, no specific allegations are made against the petitioners herein.

The entire allegations made in the complaint by the 3rd respondent-complainant against the petitioners herein are bald in nature and even if the said allegations are taken to be true, it does

not attract an offence as alleged in the complaint. There is no specific allegation regarding any harassment or cruelty meted out to the complainant by these petitioners. Hence, this Court is of the view that there is no prima facie material to proceed against the petitioners herein for the offences alleged against them and therefore, the impugned proceedings are liable to be quashed as against the petitioners.

Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.335 of 2008 pending on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad are hereby quashed against the petitioners herein.

Pending Miscellaneous petitions, if any, shall stand closed.

28.09.2016

Tsr



JUSTICE RAJA ELANGO