

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.189 of 2013

ORDER:

The petitioners/A.2 to A.5 filed the instant petition to quash the proceedings against them in C.C.No.87 of 2012 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad.

2) A.1 is the husband of 2nd respondent/*defacto* complainant. A.2 and A.3 are the parents and A.4 and A.5 are the unmarried brother and sister of A.1 respectively. The complaint filed by the 2nd respondent before the XV Additional Chief Metropolitan Magistrate, at Hyderabad was forwarded to the Women Police Station, Charminar and the police registered Crime No.268/2010 and after investigation laid charge sheet against the accused for the offences under Sec.498-A, 406, 506 r/w 34 IPC and Sec.3 & 4 of D.P.Act.

Hence the instant petition by petitioners/A.2 to A.5 on the ground that the charge sheet allegations are false to the core and except general and omnibus allegations, no specific allegations are made against the petitioners and continuation of the criminal proceedings against them would amount to abuse of process of the Court.

3) Heard both sides.

4) The point for determination is:

“Whether there are merits in this Petition to allow?”

5) **POINT**: The complaint and charge sheet would reveal the harassment and cruelty suffered by the complainant in the hands of A.1 to A.3. Specific allegations of demand of additional dowry of Rs.5,00,000/- and causing physical and mental harassment to the complainant are borne out by record and the veracity of such allegations has to be determined during the trial. As such, in my considered view, the request of the petitioners/A.2 and A.3 for quashing the proceedings does not merit consideration.

6) So far as petitioners/A.4 and A.5, who are the unmarried brother and sister of A.1 are concerned, except general allegation that A.4 and A.5 supported the other accused in harassing the complainant, no specific allegations are made out against them. Hence, continuation of the proceedings against them would amount to abuse of process of the Court and therefore, the proceedings are liable to be quashed against them.

7) In the result, this Criminal Petition is partly allowed and the proceedings in C.C.No.87 of 2012 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad are quashed insofar as petitioners/A.4 and A.5 only.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 12.08.2016
SCS