

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.1562 of 2014

ORDER:-

The petition is filed by the petitioners/A.1 to A.5 for quashing all further proceedings in Cr.No.220 of 2013 of Falaknuma P.S., Hyderabad, registered under Sections 498-A and 506 of I.P.C., and Sections 3 and 4 of the Dowry Prohibition Act.

The second respondent is the complainant. The first petitioner/A.1 is her husband and other petitioners/accused are her in-laws. The wife filed the complaint alleging offences as stated above. The specific allegation made in the complaint is that at the time of marriage, substantial amount of cash and articles were given but still her husband and in-laws were demanding additional amounts. The further allegation is that ever since her marriage the first opr/A.1 did not maintain any sexual and physical contact with her and told her that he is undergoing treatment and warned not to reveal anything about his impotency with her parents or else he would kill her. Hence the complaint.

A *prima facie* reading of the complaint shows that except the vague allegation that the husband and in-laws are subjecting harassment, demanding additional dowry, no specific allegations are made. The only specific and pointed allegation is to the effect that he is not able to perform his matrimonial obligation as husband due to health reasons for which he is undergoing treatment. Excepting for this, there is no allegation, whatsoever, against the petitioners/accused.

It is settled proposition of law as has been laid down by the Apex Court in catena of authorities that the inherent power of quashing the proceedings can be invoked where it manifestly appears that there is a legal bar such as want of sanction; where the allegations in the FIR or complaint taken at its face value do not constitute any offence; where the allegations constitute an offence but there is no legal evidence or the evidence adduced clearly fails to prove the charge. It is also well settled proposition that when exercising the jurisdiction, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is

reliable or not which is the exclusive domain of a trial Court.

Taking into the above facts and circumstances, I feel that it is a fit case where all further proceedings in Cr.No.220 of 2013 of Falaknuma P.S., are liable to be quashed.

In the result, Criminal Petition is allowed quashing all further proceedings in Cr.No.220 of 2013 of Falaknuma P.S., against the petitioners/A.1 to A.5.

The Criminal Petition is allowed accordingly. Miscellaneous petitions, if any, shall stand closed.

M.S.K.Jaiswal, J

June, 2016

smr