

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

CRIMINAL PETITION No.620 of 2013

ORDER :

In this petition filed under Section 482 Cr.P.C., petitioners/A1 to A3 seek to quash the proceedings in C.C.No.2265 of 2011 on the file of IX Metropolitan Magistrate, Kukatpally, whereunder, they were charge-sheeted for the offence under Section 498-A of IPC.

2. A1 is the husband of 2nd respondent/*de facto* complainant, A2 is the brother and A3 is the widowed sister of A1. The allegations in the complaint and charge sheet are to the effect that the marriage between A1 and the *de facto* complainant took place on 04.05.2007 at Hyderabad and at the time of marriage, the parents of *de facto* complainant presented Rs.2,00,000/- dowry and 10 tulas of gold to A1. The allegations further read that for two years, A1 and *de facto* complainant lead happy marital life and thereafter, A1 developed illicit intimacy with one lady who is a neighbour of A1 and he became slave unto her. When questioned, he started beating and abusing the *de facto* complainant and advised her to be cordial with the lady with whom he developed illicit intimacy. It is further alleged that he took away the entire gold of the *de facto* complainant presented to her by her parents. It is also alleged that A1 filed a divorce petition against the complainant and the same is dismissed. While the parents of *de facto* complainant tried to send her to him for leading conjugal life, he was avoiding them. These allegations are against A1.

3. So far as A2 and A3 are concerned, except a general and omnibus allegation that they too encouraged A1 to beat the *de facto* complainant, no other specific allegations are there either in

the complaint or in the charge sheet or in the other material produced by the prosecution.

4. Notice was ordered to R2/complainant but it is returned with the endorsement that she was out of station. In these circumstances, heard arguments of learned counsel for petitioner and learned Public Prosecutor.

5. As can be seen from the materials on record, there is a *prima facie* accusation against the petitioner/A1 and the veracity of the allegations has to be determined only after full-fledged trial. Therefore, the proceedings cannot be quashed against petitioner/A1. However, petitioners/A2 and A3 are concerned, as already stated supra, except omnibus and generalized allegations of their supporting A1 to beat the *de facto* complainant, no specific allegations with date and time and other required particulars, are provided. Hence, in the considered view of this Court, continuation of the criminal proceedings against petitioners/A2 and A3 would amount to abuse of the process of the Court.

6. In the result, this Criminal Petition is partly allowed and the proceedings against petitioners/A2 and A3 in C.C.No.2265 of 2011 on the file of IX Metropolitan Magistrate, Kukatpally, are quashed. However, the proceedings against A1 shall continue.

Pending miscellaneous applications, if any, shall stand closed.

U. DURGA PRASAD RAO, J

1st July 2016

ajr