

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.12431 OF 2013

ORDER:

This petition is preferred by petitioner/A-6 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 4 & 6 of the Dowry Prohibition Act.

The complainant/1st respondent herein is the wife of A-1. The petitioner/A-6 is the younger brother of A-1. A-1 and his family members 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 petitioner contended that after obtaining divorce from A-1 in Australia, the complainant came to India and filed the false complaint against the petitioner herein. It is contended that except the bare allegations which are general in nature, no specific allegations are made against the petitioner herein.

The entire allegations made in the complaint by the 3rd respondent-complainant against the petitioner 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 this petitioner. Hence, this Court is of the

view that there is no prima facie material to proceed against the petitioner herein for the offences alleged against him and therefore, the impugned proceedings are liable to be quashed as against the petitioner-A-6.

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 petitioner herein.

Pending Miscellaneous petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date: 30th September, 2016

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