

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2700 of 2013

ORDER:

In this Petition filed under Section 482 Cr.P.C., the petitioner/accused No.3 seeks to quash the Proceedings in C.C.No.871 of 2008 on the file of Additional Munsif Magistrate, Warangal, whereunder the petitioner and others are charged for the offences under Sections 498-A and 324 of Indian Penal Code and Section 3 and 4 of Dowry Prohibition Act.

A.1 and A.4 are the sons and A.3 is married daughter of A.2. Second respondent/complainant is the wife of A.1. On a report given by the *de facto complainant*, police of Hanamkonda/W P S Subedari, registered a case in Cr.No.255 of 2008 and after investigation laid charge sheet against A.1 to A.4. As per complainant, her marriage with A.1 took place on 20.12.1991 and after the marriage, she joined A.1. At the instigation of A.2 to A.4, her husband (A.1) used to harass her physically and mentally on flimsy household issues. Though she stayed separately with her husband in Railway Quarters, the accused instigated her husband to harass her physically and mentally. While so, the complainant gave birth to two sons, who are aged 15 and 12 years respectively. After the birth of second child, she returned to her parents house because of unbearable harassment by her husband. After getting some assurance, she re-joined her husband, but she did not find any change in the

attitude of A.1. Thereafter, her husband took her children and went to Hyderabad from where he made threaten calls to her. Her further version is that on 4.06.08 when the complainant went alone to the house of A.1, he did not permit her to enter the house and beat her with iron rod and caused injuries. Thereafter, she escaped and went to her parental house situated at Hanumakonda along with her children. Hence, the complaint.

The petitioner/A.3 filed the instant quash petition on the ground that she is the married sister and she never resided with A.1 and the complainant and the charge sheet allegations are false and no specific averment is made against the petitioner. Learned counsel for petitioner submitted that the order in Crl.P.No.181 of 2009, the Hon'ble High Court was pleased to quash the proceedings against A.2 and A.4. It is informed to this Court that pending the case, A.1 died and hence, case against him was abated.

Notice sent to second respondent/de facto complainant was returned unserved with an endorsement "addressee shifted her house'.

Heard learned counsel for petitioner.

As can be seen from the charge sheet, except the general and omnibus allegations, no specific averments are made against the petitioner causing the acts of instigation to A.1 or her involvement in the cruelty and harassment meted out to the complainant.

A perusal of the Order in Criminal Petition No.181 of 2009 shows that this Court quashed the proceedings against A.2 to A.4 on the observation that except the allegations that the petitioners/A.2 to A.4 instigated A.1 to harass second respondent/complainant, there are no specific instances of harassment attributable to the petitioners. Hence, in my considered view, the aforesaid observation made by this Court pertaining to petitioners/A.2 to A.4 therein, equally applies to the petitioner/A.3 herein because no specific averments are made against the petitioner/A3 also. Therefore, the continuation of the proceedings against the petitioner/A3 amounts to abuse of process of law. Added to it, the order in CrI.P.No.181 of 2009 reads that the husband of the *de facto* complainant i.e., A.1 is no-more and the case against him was abated.

Accordingly, this Criminal Petition is allowed and the proceedings against the petitioner/A.3 in C.C.No.871 of 2008 on the file of Additional Munsif Magistrate, Warangal, are quashed.

Consequently, the miscellaneous petitions, if any, pending, in this case, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 12.04.2016
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HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Crl. P. No.2700 of 2013

Dt. 12.04.2016

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