

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3920 of 2012

ORDER:

This Criminal Petition is filed by the petitioners/A-3 & A-4 seeking to quash the proceedings against them in C.C.No.586 of 2011, on the file of the Judicial Magistrate of First Class, Special Mobile/Excise Court, Nalgonda.

2. Heard and perused the material available on record.

3. C.C.No.586 of 2011 was registered against the petitioners and two others at the instance of the complaint lodged by the 2nd respondent, who is the wife of the first accused. It is the allegation of the 2nd respondent that she got married with A-1 on 23.05.2006. It is her allegation that after the marriage, she and her husband went to Thimmapur Village, Kothur Mandal, Mahaboobnagar District, and they started to live there. A-1 used to work as English teacher and she used to work as nurse. It is her allegation that her husband used to harass her to bring additional dowry. Twenty days back, A-1 beat her and thrown out of the house. On questioning A-1 as to why she shall bring the amounts, A-1 beat her and tried to kill her and she escaped from there and approached the police, Narsaraopet and the police settled the matter. Again she lodged a complaint with the Woman Police Station, Nalgonda, and accordingly, the police registered Crime No.69 of 2010 under Section 498-A IPC and Section 4 of the Dowry Prohibition Act. The petitioners are the maternal uncles of A-1 and they are added as accused in the above case.

4. The learned counsel for the petitioners mainly contended that the entire reading of the statement adduced by the

2nd respondent, the victim lady, and also the charge sheet filed by the respondent police after due investigation reveal the following facts:

“Her mother-in-law (A-2) Nagothu Thamasamma, her husband’s maternal uncles (A-3) Dasari Chinnaiah, (A-4) Dasari Shouriraju were visited the rented house of A-1 at Thimmapoor village instigated the A-1 to harass the L.W-1 due to petty issues.”

The said allegation necessitated the investigation agency to file charge sheet against the petitioners herein.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel for the petitioners, this Court is of the view that from the entire reading of the statement of the 2nd respondent and also the charge sheet, even admitting the allegations as true, the offences under Section 498-A IPC and Section 4 of the Dowry Prohibition Act are not attracted against the petitioners herein. Hence, the proceedings in C.C.No.586 of 2011, on the file of the Judicial Magistrate of First Class, Special Mobile/Excise Court, Nalgonda, are liable to be quashed against the petitioners herein.

6. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.586 of 2011, on the file of the Judicial Magistrate of First Class, Special Mobile/Excise Court, Nalgonda, are hereby quashed against the petitioners herein. Miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

RAJA ELANGO, J

Date: 30th September, 2016

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