

HONOURABLE SRI JUSTICE N. BALAYOGI**CRIMINAL PETITION No.6141 of 2011****ORDER:**

1. The petitioners, who are arrayed as A3, A4 and A5 filed this petition under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.93 of 2011 on the file of Nandyal II Town Police Station, Kurnool District.

2. The contention of the petitioners is that there are no specific overt acts attributed to the petitioners and in the complaint itself at paragraph No.6, it is stated that the complainant came to know from the reliable information that A1 married A2 at the instigation of A3 to A6, and therefore, the proceedings are liable to be quashed.

3. On the other hand, it is contended by the learned Public Prosecutor that there is specific allegation against the petitioners that they instigated A1 to commit the offence.

4. None appeared for the 2nd respondent. During the course of arguments, the learned Counsel for the petitioners reported that the 2nd petitioner is no more, and the same is recorded and the case against the 2nd petitioner is abated.

5. Perusal of the record goes to show that petitioners Nos.1 and 2 are the parents-in-law and the 3rd petitioner is the sister-in-law of the 2nd respondent. Earlier, the 2nd respondent filed a complaint under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act against the petitioners and others, wherein the 3rd petitioner was shown as A4 and the said case was registered as C.C.No.521 of 2009. When the 3rd petitioner

filed a Criminal Petition No.8792 of 2009 under Section 482 Cr.P.C., the proceedings in C.C.No.521 of 2009 against the 3rd petitioner herein are quashed finding that no specific allegations were made against her. Similarly, in Crime No.93 of 2011 in the complaint at paragraph No.6, it is stated that the complainant came to know on reliable information that A1 married A2 at the instigation of A3 to A6. Except that, nothing was alleged against the petitioners in the complaint in the present crime.

6. In the above circumstances, I find that no specific allegations were made against the petitioners in Crime No.93 of 2011 on the file of the Nandyal II Town Police Station, Kurnool District and therefore, the continuation of the proceedings against petitioners Nos.1 and 3 would amount to abuse of process of Courts.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against petitioners Nos.1 and 3 in Crime No.93 of 2011 on the file of Nandyal II Town Police Station, Kurnool District. The interim stay granted on 26.7.2011 in Crl.P.M.P.No.6243 of 2011 is vacated and the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N. BALAYOGI

Date: 24th October, 2017
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