

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.950 of 2017

ORDER :

The petitioner herein is arraigned as A.4 in C.C.No.1264 of 2017 on the file of the Additional Judicial Magistrate of First Class, Karimnagar. She makes a request to quash the proceedings in the said calendar case under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.').

2. The offences alleged against the petitioner are punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

3. Heard Sri T.Pradyumna Kumar Reddy, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

4. The main submission of the learned counsel for the petitioner is that, except the husband, who is A.1 in the calendar case, against all other accused i.e., A.2, A.3 and A.5 to A.8, this Court quashed the proceedings in C.C.No.1264 of 2016 by order dated 22.12.2016 in CrI.P.No.14526 of 2016. He has drawn the attention of this Court to the order filed at page 14 of the material papers. This Court, having referred to the judgment of **Preeti Gupta v. State of Jharkhand**¹ and other decisions of the Hon'ble Supreme Court, on the subject, at internal page 7, observed as under:

¹ (2010) 7 SCC 667

“In the present case, the facts of the case that allegations made against husband i.e. the 1st petitioner directly pointing out his involvement in the offence punishable under Section 498-A IPC received platinum Ring on the date of Betrothal Ceremony from her parents would constitute an offence punishable under Section 3 of D.P.Act. But the other allegations made against other accused i.e., petitioners 2 to 7 are not specific. On the other hand, the property that was given to the 1st accused was taken away by LW.2 i.e. the father of the 1st respondent and he sold away that car. The 1st respondent retained both gold and silver articles with her. Therefore, the allegations made against the petitioners 2 to 7 are not sufficient to constitute the offence. Consequently, the proceedings against the petitioners 2 to 7 are liable to be quashed pending on the file of Additional Judicial Magistrate of First Class at Karimnagar, Karimnagar District, while permitting to continue the proceedings against the 1st petitioner and it is left open to the 1st petitioner to raise any contentions in appropriate proceedings.”

5. It is the submission of the learned counsel that similar overt acts have been attributed against the petitioner and in fact, the petitioner is residing in Australia and only she had attended the marriage of A.1 with the de facto complainant and, hence, urges to quash the proceedings.

6. So far as notice to the 1st respondent-de facto complainant is concerned, the learned counsel would bring it to the notice of this Court that earlier, in Crl.M.P.No.14526 of 2016 when notice was ordered to the 1st respondent/de facto complainant, she did not enter appearance and this Court in the said petition has recorded the same and having heard

the learned Additional Public Prosecutor on behalf of the 1st respondent, the said order was passed.

7. When the petitioner also stands on the same footing as that of A.2, A.3 and A.5 to A.7 and the de facto complainant has not chosen to appear in the earlier petition when notice was ordered and also keeping in view, the submission made by the learned counsel that the de facto complainant suppressed the earlier marriage at the time of alliance, certainly, the present petitioner cannot be discriminated from the accused, against whom the proceedings in C.C.No.1264 of 2017 were quashed.

8. The learned Additional Public Prosecutor would represent that the petitioner's case is not on a different footing, but also stands on the same footing as that of A.2, A.3 and A.5 to A.7, against whom the proceedings in C.C.No.1264 of 2017 were quashed.

9. A perusal of the material placed on record would show that no concrete allegations are levelled against the petitioner as regards her complicity in the commission of offences alleged against her.

10. Hence, the criminal petition is allowed quashing the proceedings against the petitioner/A.4 in C.C.No.1264 of 2017 on the file of the Additional Judicial Magistrate of First Class, Karimnagar.

11. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

6th February 2017.

mar