

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1067 of 2017

ORDER:

This criminal petition is filed, under Section 482 of Cr.P.C., by the petitioners seeking to quash the proceedings in D.V.C.No.14 of 2016, on the file of the II Additional Judicial Magistrate of First Class, at Khammam, against the petitioners, who are accused Nos.6 and 7 in Court below.

2. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.

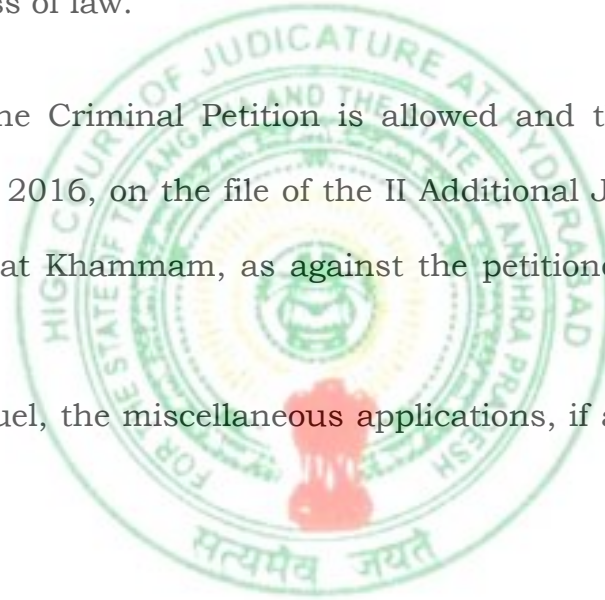
3. As regards the maintainability of the petition, the learned counsel for the petitioners relies on the ruling of this Court reported in **Giduthuri Kesari Kumar & Others Vs. State of Telangana, Rep. by Public Prosecutor & Another**¹, wherein this Court, after observing that the reliefs provided under Sections 18 to 22 are civil reliefs and the enquiry under Section 12 of the Domestic Violence Act, 2005 (for short, 'the Act'), is not a trial of a criminal case and hence, quash of the proceedings is not maintainable, carved out an exception to the case under Section 2(f) of the Act where there does not exist any domestic relationship between the petitioners and the complainant. The learned counsel for the petitioners drew the attention of this Court to the contents of the complaint filed by the complainant wherein the reliefs sought for are only against the husband of the complainant, they being to direct the respondents to return the Stridhan property that was given at the time of marriage i.e., Rs.7,00,000/- in toto and to grant compensation of Rs.5,00,000/- for causing physical and mental injury to the petitioner.

¹ CDJ 2015 APHC 231

4. The averments of the complaintsofar as these petitioners are concerned are made in paragraph 9 of the complaint, that these petitioners are encouraging respondent No.1 to harass the petitioner for additional dowry and for bringing the amounts. Hence, the allegations seem to be very vague and are not connected to the reliefs sought to be granted. There is no allegation that any stridhan property was in the hands of these petitioners and that these petitioners are in any way liable for paying compensation. Hence, in view of the above, I opine that continuation of proceedings against these petitioners is a total abuse of process of law.

5. Hence, the Criminal Petition is allowed and the proceedings in D.V.C.No.14 of 2016, on the file of the II Additional Judicial Magistrate of First Class, at Khammam, as against the petitioners/A-6 & A-7 are quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.



JUSTICE T. RAJANI

Date: 12th October, 2017

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