

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.12352 of 2011

ORDER:

The Criminal Petition is filed by the petitioner being the sole accused to quash the proceedings initiated against him in Crime No.133 of 2011 of Woman Police Station, Cyberabad, registered for the offences under Sections 498-A & 506 IPC.

2. The facts of the case are that the second respondent herein filed a complaint before the Inspector of Police, Saroornagar on 18-07-2011 stating that she married the petitioner eight years ago. It was a love marriage and after marriage, they took a house on rent at Shamshabad and lived there for three years. Thereafter, the petitioner left apartment and at that point of time, the second respondent was pregnant. After her husband left to South Africa, she went to her parents' house. Three years thereafter, the petitioner returned from South Africa and performed his sister's marriage. During that period, the petitioner stayed with the second respondent for three months. During the said three months of stay, the petitioner was visiting to see his daughter. Once again, the petitioner became pregnant and it was got aborted and thereafter, the petitioner left to South Africa. Six months prior to filing of the complaint, he returned from South Africa and they stayed together in Bidar, Karnataka and from that time onwards, the petitioner was insisting the second respondent to visit the temple, not to speak Muslim language and to put bindi on her forehead. Further, he was not looking after her very well and he is insisting for dowry and he also used to call on phone threatening to kill her. In pursuance of the complaint, the S.I of Police, Saroor Nagar, registered a crime in FIR No.133 of 2011 for the offences

under Sections 498-A & 506 IPC. Challenging the said registration of the crime, the present Criminal Petition is filed by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor. There is no representation on behalf of the second respondent.

4. The learned counsel for the petitioner submitted that only allegation against the petitioner is that he insisted the defacto-complaint to follow the Hindu Religion and other are omnibus allegations and therefore, sought to quash the proceedings initiated against him in Crime No.133 of 2011.

5. However, a perusal of the contents of the complaint, dated 18-07-2011, would reveal that specific allegations are made out with reference to demand of dowry, harassing the petitioner-complainant physically and mentally, bet her and necked out from the house. In the light of these allegations, I am of the opinion that it is not a fit case to quash the proceedings at this stage more so when investigation is not completed. Therefore, the Criminal Petition fails and it is dismissed. However, the investigation may be completed by following Section 41-A of the Criminal Procedure Code as per law.

6. Miscellaneous petitions pending consideration, if any, in this Criminal Petition, shall stand closed as a consequence to the disposal of the Criminal Petition.

JUSTICE P. KESHA RAO

Date: 12-10-2017

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