

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.13675 of 2011

ORDER:

This petition is filed seeking for quashment of the proceedings against the petitioners, who are respondents in M.C.No.49 of 2011 on the file of the II Additional Judicial Magistrate of First Class, Khammam, on the ground that the complaint is not maintainable against these petitioners, who are in-laws of the *de facto* complainant.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the respondents 2 and 3 in spite of notices.

3. The counsel for the petitioners reads out Section 125 Cr.P.C., wherein the petition under section 125 is maintainable only against (i) his wife, unable to maintain herself, or (b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or (c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or (d) his father or mother, unable to maintain himself or herself.

4. Hence, on the face of the provisions enunciated under Section 125 Cr.P.C., the complaint is not maintainable against the petitioners.

5. With the above observations, the Criminal Petition is allowed and the proceedings in M.C.No.49 of 2011 on the file of II Additional Judicial Magistrate of First Class, Khammam, shall stand quashed against the petitioners.

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

December 13, 2017
LMV

T. RAJANI, J

