

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 8051 of 2011

ORDER:

This criminal petition has been filed seeking to quash the Proceedings in Crime No.179 of 2011 on the file of P.S.Vikarabad, against the Petitioner/ A6 for the Offence punishable under Section 304-B IPC.

2. The case of the defacto complainant is that his daughter namely, Rizwana was given in marriage to Ibrahim R/ o.Pendlimadugu village, Vikarabad Mandal, Rangareddy District, about eight months back. At the time of marriage, he gave cash of Rs.1,00,000/-, five tholas of gold and kichen articles to the Petitioners/ Accused. After the marriage, they lived happily for about five months and thereafter, his son-in-law beat her daughter with a rod demanding for additional dowry and due that she fell down, thereafter, her husband, in-laws and others brought and left her in their house. Thereafter, she was admitted in a hospital for treatment of her injuries. A panchayat was held in the presence of elders and mediators, wherein, her husband and in-laws agreed to look after her well and took her back to her matrimonial home. While so, on 28.07.2011 at about 6.00 p.m., when the complainant was at his house, he received a phone call from unknown person, that his daughter died. Immediately, he went to Pendlimadugu Village and saw the dead body of her daughter and brought the body from the hospital. Alleging the above facts, he filed a complaint against the husband, in-laws of the deceased, before the P.S.Vikarabad, which is registered as a case in Crime No.179 of 2011 and issued FIR against A-1 to A6 and started investigation. The petitioner herein was arrayed as Accused No.6 in the above crime.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned counsel for the petitioner/ A6 submits that there are no specific overtacts attributed against the petitioner herein, muchless the allegation of harassment meted out by the deceased and that the allegations made in the complaint are omnibus and that the petitioner is doing agriculture in his village and that he is the only person to look after his two small children and therefore, sought for quashing of the Proceedings against the Petitioner/ A6.

5. The learned Public Prosecutor opposed the submissions made by the learned counsel for the petitioner on the ground that there are specific allegations made against the petitioners in the complaint, including the petitioner/ A6 herein.

6. On perusal of the record and as per the allegations made in the complaint, it appears that all the family members of the petitioners were arrayed as A-1 to A6 in the above crime alleging that they harassed the deceased physically and mentally containing specific instances. Truth or otherwise of the allegations cannot be gone into at this stage. Hence, this court is of the view that there are no valid grounds to quash the proceedings against the Petitioner/ A6.

7. In the result, the criminal petition is dismissed. However, the trial court shall dispense with the presence of the Petitioner/ A6 during trial on an application made by him in this regard.

GUDISEVA SHYAM PRASAD, J

06th October, 2017
Mj/