

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.14737 OF 2016

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in C.C.No.586 of 2015 on the file of XX Metropolitan Magistrate, Cyberabad, Ranga Reddy District.

2. Petitioner is arraigned as accused No.1 in the aforesaid Calendar Case. He, along with other accused, alleged to have committed the offences punishable under Sections 498-A and 420 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

3. Heard Sri K. Papi Reddy, learned counsel for the petitioner, learned Additional Public Prosecutor for the State of Telangana, and Sri Gaddam Srinivas, learned counsel for respondent No.2 – *de facto* complainant.

4. The main submissions of the learned counsel for petitioner are that inconsistent versions have been occurring on record, firstly, that the complaint averments are not in tune with the version given by the *de facto* complainant recorded under Section 161 Cr.P.C., second, LWs.1 to 7, who are the prosecution witnesses, are interrelated and, therefore, their evidence would suffer with interestedness, and third, the allegation in the complaint that the petitioner was collecting rents derived from two portions of the house, as mentioned in the

complaint, is totally incorrect and the *de facto* complainant herself is collecting rents and stated wrongly with a view to get the petitioner prosecuted.

5. So far as the first submission made by the learned counsel for petitioner is concerned, it is a disputed question of fact, which can be resolved only when a full-fledged trial takes place, as contradictions have to be elicited, in case, there is any variation between the averments in the complaint and the version in 161 Cr.P.C. statements. So far as interestedness is concerned, the same has to be examined by the trial Court based on appreciation of evidence that would be let in by the prosecution, and so far as collection of rents is concerned, again it relates to a disputed question of fact, which has to be resolved only after conducting full-fledged trial. Therefore, at this stage, it cannot be said that proceeding with the trial would amount to the abuse of process of law.

6. Accordingly, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

April 26, 2017.
MD