

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION NO.1164 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioners – accused Nos.4 and 5 viz., Shaik Jareena Begam and Shaik Haseena Begum requesting to quash the proceedings in C.C.No.647 of 2016 on the file of the Judicial Magistrate of First Class, Special Mobile Court, Kurnool District.

2. The petitioners, who are arraigned as accused Nos.4 and 5, alleged to have committed offences punishable under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

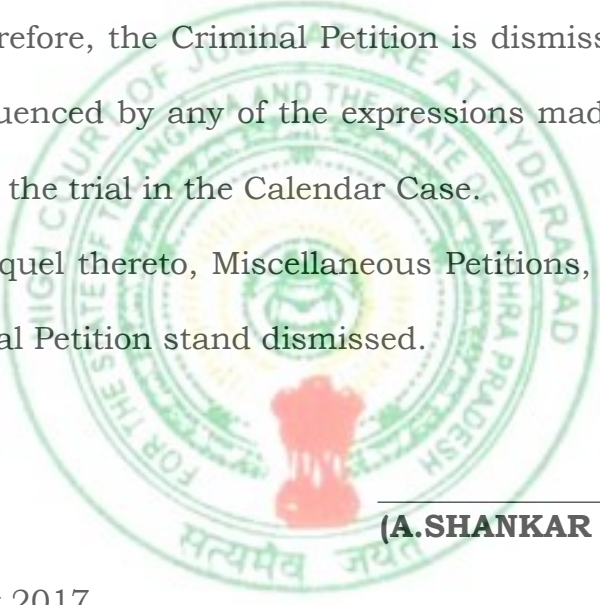
3. Sri Md. Sharfuddin, learned counsel for the petitioners, would submit that there is no allegation in the direction of showing complicity of at least the second petitioner, who is the sister-in-law of the second respondent – *de facto* complainant in the complaint lodged by her. Therefore, he seeks to quash the proceedings in the Calendar Case at least against the second petitioner. Learned counsel has drawn my attention to the complaint allegations filed along with the material papers. The allegations are clear enough to show the complicity of the second petitioner specifically referring to the overt acts of the second petitioner. It is no doubt true that the learned counsel has drawn my attention to the Aadhar Card relating to the second petitioner contending that she has been residing at Hyderabad for the past five years and the acts in the direction of constituting offences alleged against the second petitioner relates to the year 2012-2013, but, however, he is

unable to answer on which date the said Aadhar Card was issued and the Aadhar Card also does not contain the date on which it was issued.

4. Be that as it may, when the Calendar Case is pending before the learned Magistrate and there are allegations in the complaint, irrespective of going through the statements under Section 161 Cr.P.C., of course, which are not filed, it is not a case where the proceedings in Calendar Case can be quashed on the ground of abuse of process of law or viewing it as vexatious complaint.

5. Therefore, the Criminal Petition is dismissed. The Court below, uninfluenced by any of the expressions made in the above, shall conduct the trial in the Calendar Case.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand dismissed.



(A.SHANKAR NARAYANA, J)

10th February 2017
RRB