

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2745 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the proceedings in Calendar Case No.217 of 2017 on the file of the XIX Metropolitan Magistrate, Kukatpally, Cyberabad at Miyapur.

2. The petitioners herein are arraigned as accused Nos.1 to 3 in the aforesaid Calendar Case, and they alleged to have committed the offence punishable under Section 498A IPC.

3. Heard Sri J.C. Francis, learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that it is a typical case where the husband has joined the wife in lodging the complaint against his own mother, sister and brother-in-law and, thus, it exemplifies foisting a false case against the petitioners.

5. The learned Additional Public Prosecutor would strongly resist the request contending that there are *prima facie* allegations to show the complicity of the petitioners in the commission of the offence alleged against them and even under Section 41A of the Code,

notices were issued to them during the course of investigation and having followed due process of law and having found *prima facie* allegations as to the commission of offence punishable under Section 498A IPC, charge sheet was laid and, therefore, requests to reject the request.

6. The facts in brief are that the *de facto* complainant, who is respondent No.2 herein - Smt. Kalagana Swapna was admitted in Mythri Hospital, Chandanagar, and the hospital authorities on 17.10.2016 sent a message about the same, on which, the Station House Officer, Chandanagar Police Station visited the hospital and recorded her statement in the hospital, wherein she stated that she married one Hari Babu on 07.06.2009 and out of their wedlock, two children were born and since the date of marriage, her mother-in-law, who is petitioner No.1 herein, sister-in-law, who is petitioner No.2 herein and her husband, who is petitioner No.3 herein, started harassing her, both mentally and physically by using un-parliamentary language in commenting at her that she is an orphan and did not have any relations and having vexed with the said unbearable harassment, she consumed some unknown tablets on 16.09.2016 at about 21: 30 hours and she was admitted in the said hospital.

7. The learned counsel has taken through the statements of the *de facto* complainant and her husband recorded under Section 161 of the Code, but *ex facie* there are certain allegations directed against the

petitioners as to their complicity in the commission of the alleged offence. It is not a case to view the abuse of process of law in case trial is conducted. It is open to the petitioners to put forth the defence during trial by cross-examining the witnesses.

Therefore, the present Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition stand closed.

April 13, 2017.
Mgr

A. SHANKAR NARAYANA, J

