

THE HON' BLE SRI JUSTICE P. KESHAHA RAO

CRIMINAL PETITION No.10247 of 2009

ORDER:

Heard the learned counsel for the petitioners. However, notice sent to the second respondent is returned with postal endorsement dated 25.11.2014 as not claimed.

Petitioners herein who are accused nos.4 and 5 filed the present Criminal Petition to quash the proceedings initiated against them in Crime No.213 of 2008 for the offences under sections 498-A, 506 of I.P.C. and sections 4 and 6 of the Dowry Prohibition Act.

The facts of the case are that originally on 31.7.2008, the second respondent lodged a complaint before the Women Police Station, Central Crime Station, Hyderabad, to the effect that she was married to Bandi Jagadrakshaka, an Indian citizen, on 9.11.2003. They were living in U.S. Out of the wedlock, they were blessed with a son on 5.6.2005. The second respondent visited India in December, 2005 along with her son to see her father who had heart attack and was undergoing bypass surgery. When the second respondent visited her in-laws residence, on the ground that she was not working and hence not giving anything to them out of her earnings, she was ill treated, apart from many other allegations. In pursuance of the said complaint, the Sub Inspector of Police, Women Police Station, Central Crime Station, Hyderabad, registered crime vide F.I.R. No.213 of 2008 for the offences under sections

498-A, 506 IPC and sections 4 and 6 of the Dowry Prohibition Act. The present Criminal Petition is filed by accused nos.4 and 5.

During the course of arguments, it is brought to the notice of the Court by the counsel for the petitioners that accused nos.1 to 3 on earlier occasion filed Criminal Petition No.6711 of 2009 for quashing the proceedings initiated against them in this Court. However, the said criminal petition was dismissed by this Court on 23.12.2011. Aggrieved by the said orders, accused nos.1 to 3 have carried the matter to the Hon'ble Apex Court by way of Special Leave to Appeal (Crl) No.3335 of 2012. Initially, the apex court granted stay of the proceedings in Crime No.213 of 2008. After hearing, the Apex Court was pleased to quash the complaint filed by the second respondent herein against the appellants therein i.e. accused nos.1 to 3 in Crime No.213 of 2008 as *mala fide* and abuse of process of the Court by orders vide Crl.Appeal No.937 of 2013 dated 19.1.2017. On that ground, the counsel for the petitioners requested that the present criminal petition may be allowed quashing the proceedings initiated against them in Crime No.213 of 2008. Though notice is issued to the second respondent, she has not claimed, which amounts to proper service of notice on her.

Even from perusal of the charge sheet would indicate except bald statement that the petitioners used to shout at the second respondent, there are no other allegations much less for commission of the offences as alleged in the charge sheet against the petitioners. Even the said allegations made do not contain any

specific dates or the context in which they are made. As such, a bald statement cannot be made as a ground to prosecute any person. In the case on hand, as there is no *prima facie* case made for commission of such offences by the petitioners, the proceedings initiated against them are liable to be quashed.

Further, since no objections are forthcoming from the second respondent and since the apex court have already quashed the complaint against accused nos.1 to 3, this Court is of the opinion that the complaint against accused nos.4 and 5 is also liable to be quashed.

Accordingly, the Criminal Petition is allowed quashing the proceedings initiated against the petitioners herein in Crime No.213 of 2008 for the offences under sections 498-A, 506 of IPC and sections 4 and 6 of the Dowry Prohibition Act on the file of the Women Police Station, Central Crime Station, Hyderabad. Interim orders shall stand vacated.

Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

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JUSTICE P.KESHAVA RAO

Date:5/ 12/ 2017

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