

THE HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.4718 OF 2011

ORDER:

Heard.

Notice served through Judicial First Class Magistrate, Jagtial.

None appeared.

This Criminal Petition is filed under Section 482 Cr.P.C. by the respondents 2 and 3 in D.V.C.No.1 of 2011 to quash the proceedings in D.V.C.No.1 of 2011 on the file of Additional Judicial Magistrate of First Class at Jagtial, Karimnagar District.

The 2nd respondent was married to Srinivas who is the son of petitioners 1 and 2 in the year 2007 as per the Hindu Rites and Customs. The petitioners are parents-in-law of the 2nd respondent.

The 2nd respondent lodged a complaint with the Station House Officer, Miyapur which was registered as a case in Cr.No.336 of 2009 on 28-6-2009 for the offences under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

The further allegation of the second respondent is that in the 3rd week of March, 2010, on the advice of elders, her parents took her to Miyapur on 28-3-2010 and left her in the house of her husband.

The record further shows that the 2nd respondent gave complaint on 28-3-2010 which was registered as F.I.R.No.143 of 2010 on 29-3-2010 against her husband Srinivas. There is no evidence to speak about the overt act attributed to the petitioners.

The further contention of the petitioner is that it is the counter blast to the petition filed by her husband under Section 13 (1) A of Hindu Marriage Act before Family Court, L.B.Nagar vide O.P.No.392 of 2010.

A perusal of the petition in D.V.C.No.1 of 2011 filed by the second respondent herein goes to suggest that there is an allegation that they have paid an amount of Rs.6,00,000/- under cash, 35 tulas of gold and one kilo silver articles to the first respondent in D.V.C.No.1 of 2011. It is further alleged that after the birth of a male child, the first respondent at the instigation of his parents (who are petitioners herein) started harassing the second respondent/complainant mentally and physically for procuring additional dowry as he wanted to go to U.S.

It is further allegation that the petitioner in D.V.C.No.1 of 2011 joined her husband and her husband harassed the complainant. The entire reading of the petition does not disclose any specific overt act or the petitioners hand in glove with their son in the alleged harassment. It is also further allegation that the first respondent in D.V.C.No.1 of 2011 on 28-3-2010 entered into the house and started abusing her in filthy language and beat her miserably and removed her and hit on private parts of body, insisting her to die. There is no any act attributed by the petitioners.

Earlier, the petitioners 4 to 13 in D.V.C.No.1 of 2011 filed Criminal Petition No.4488 of 2011 to quash the proceedings and the same was ordered on 30-7-2014.

Keeping in view the material available on record and the allegation in D.V.C.No.1 of 2011 which does not disclose any specific overt act, the allegation against the petitioners, I am of the considered view and can safely come to a conclusion that no allegations are made out against the petitioners herein.

Even the present proceedings in D.V.C.No.1 of 2011 against the petitioners are quashed, no prejudice would be caused to the second respondent who having received notice failed to make appearance. In the absence of any allegations or overt acts attributed to the petitioners, filing of D.V.C. certainly amount to abuse of process of law.

Having regard to the above facts and circumstances, I am of the considered view that it is a fit case to quash the proceedings against the petitioners/respondents 2 and 3 in D.V.C.No.1 of 2011.

In the result, this Criminal Petition is allowed quashing the proceedings in D.V.C.No.1 of 2011 on the file of Additional Judicial Magistrate of First Class, Jagtial against the respondents 2 and 3 who are petitioners herein.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE N.BALAYOGI

Dated 21-9-2017.

Dvs

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Dated 21-9-2017

Dvs