

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No. 6289 OF 2017

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State. Perused the record.

Learned counsel for the petitioners/accused Nos.1 to 3 would submit that there is suppression of material facts in this case; respondent No.2/*de facto* complainant had lodged a report with the police after instituting a suit for conjugal rights by petitioner No.1/A.1 against her; and in the reply notice dated 10.02.2017, there was no mention of dowry harassment.

Learned Public Prosecutor opposed for grant of any relief in this case stating that there are specific allegations of dowry harassment constituting the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The material placed on record reveals that there are allegations constituting the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. The question as to whether respondent No.2 has suppressed the material facts in this case and also the non-mention of the dowry harassment in the reply notice dated 10.02.2017 are to be decided before the trial Court. The petitioners/accused are entitled to raise all defences to prove their innocence before the trial Court.

In these circumstances, it is not a fit case to quash the proceedings against the petitioners/accused Nos.1 to 3 in C.C. No.505 of 2017 on the

file of the IX Metropolitan Magistrate, Kukatpally, Miyapur, Cyberabad, and the Criminal Petition is devoid of merits and is liable to be dismissed.

At this stage, learned counsel for the petitioners has submitted that the personal attendance of petitioner Nos.2 and 3/accused Nos.2 and 3 may be dispensed with before the trial Court. For the said relief, he has to file a separate application.

Again, learned counsel for the petitioners sought permission to withdraw the Criminal Petition.

In view of the above circumstances, this Criminal Petition is dismissed as withdrawn.

Miscellaneous petitions pending, if any, shall also stand dismissed.

Date: 27.07.2017

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Dr. SHAMEEM AKTHER, J

