

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.14812 AND 14759 OF 2016

COMMON ORDER:

The petitioners respectively are A2 and A3, no other than mother-in-law and husband's sister of the defacto complainant – Smt.Usha, arrayed as 1st respondent in CrI.P.No.14812 of 2017 and 2nd respondent in CrI.P.No.14759 of 2017 respectively, based on her report, registered as Crime No.284 of 2016, dated 07.05.2016, by P.S.Miyapur, Cyberabad, registered for the offences punishable under Section 498A IPC and the police from the final report filed, the learned Magistrate has taken cognizance for the respective offences against the three accused. The husband of the defacto complainant is not before this Court, but for the two petitions by mother-in-law and sister-in-law respectively as referred above.

2. As pointed out, so far as the sister-in-law concerned, but for to say she is staying in the underground portion of the same house separately and after marriage for three months they were cordial and later she was instigating the husband of the defacto complainant concerned of the marriage performed in March, 2000, there are no any specific allegations, much less, of the recent past to the giving of the report like the allegations are there for the mother-in-law of the defacto complainant concerned.

3. Having regard to the above, so far as CrI.P.No.14759 of 2016 in array of A3 concerned, the proceedings are unsustainable for no sustainable allegation against her to allow and so far as, CrI.P.No.14812 of 2016 concerned, since there are allegations, it is premature to go into the merits, much less, to discuss on merits to the prejudice of trial. Hence, the petition can be disposed of by giving liberty to the petitioner also by virtue of this order to file application under Section 205 Cr.P.C., before the learned Magistrate to hear and permit with necessary conditions of personal appearance as and when required, particularly for Section 313 Cr.P.C. examination, as even sections 251 or 239 Cr.P.C. examination can be permitted through Special Vakalat Holder.

4. Accordingly and in the result, CrI.P.No.14759 of 2016 is allowed, quashing the proceedings against the petitioner/A3 in Crime No.284 of 2016, dated 07.05.2016 and CrI.P.No.14812 of 2016 is disposed of.

5. Miscellaneous petitions pending consideration, if any, in these cases shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

23.10.2017
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