

SMT.JUSTICE T.RAJANI

CRIMINAL PETITION No.7536 OF 2011

ORDER:

This petition is filed seeking for quashment of C.C.No.578 of 2011 on the file of Additional Judicial First Class Magistrate at Sangareddy, by the petitioners, who are accused Nos.3 to 5 in the said crime. The offences alleged against the petitioners are under Section 498A IPC and Sections 4, 4(A) and 6 of Dowry Prohibition Act.

2. Heard counsel for the petitioners and public prosecutor, who takes notice for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. A perusal of the complaint shows that there are absolutely no allegations against accused No.5. A5, who is 3rd petitioner herein, is in fact stated to be the cousin of A1, who mediated the marriage between the accused No.1 and complainant. The allegation is that they approached TNTUC, BHEL, SC/ST Welfare Association, saying that complainant left his company with their son on 09.05.2009. Except the said allegation, there is no other allegation made against him. The said allegation, by any stretch of imagination and understanding, does not constitute an offence under Section 498A or the provisions of the Dowry Prohibition Act.

4. So far as the petitioners 1 and 2 are concerned, there are allegations, which would attract Section 498A IPC, hence, it is not advisable to quash the proceedings against them at this stage, it is only after trial of the case.

5. Accordingly and in the result, the criminal petition is allowed in part and the further proceedings against the petitioner No.3/A5 in C.C.No.578 of 2011 on the file of Additional Judicial First Class Magistrate at Sangareddy, are quashed and so far as the petitioners 1 and 2, criminal petition is dismissed. But, however, considering the plea of the petitioners counsel that they are residents of Zaheerabad and are facing difficulty to attend the court on every date of adjournment, a direction is given to the lower court not to insist the presence of the petitioners unless it is required for the proceedings.

6. Miscellaneous petitions pending consideration, if any, in this criminal petition shall stand closed in consequence.

05.12.2017
SS

T.RAJANI, J