

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2356 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the First Information Report in Crime No.14 of 2017 of Women Police Station, Warangal City.

2. Petitioners are arraigned as accused Nos.1 to 5 in the aforesaid crime. They alleged to have committed the offences punishable under Section 498A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

3. Heard Ms. Sumalatha, learned counsel representing Ms. K. Savithri Devi, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Telangana.

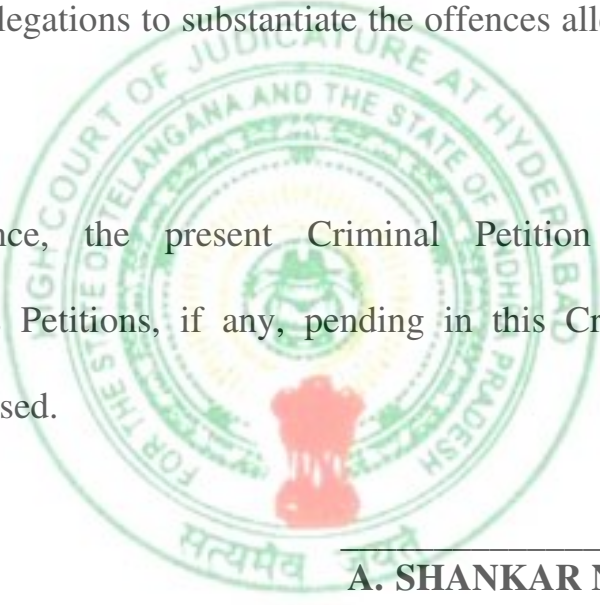
4. Learned counsel for the petitioners would submit that petitioner Nos.2 to 5, who are the mother, younger brother and younger sisters of petitioner No.1, respectively, are living separately, but not along with petitioner No.1 and respondent No.2 – *de facto* complainant and, therefore, the question of petitioner Nos.2 to 5 harassing respondent No.2 does not arise. Learned counsel would also submit that with inordinate delay, the complaint was lodged by respondent No.2, despite the fact that petitioner No.1 has filed a petition under Section 9 of the Hindu Marriage Act, 1955, and even

obtained decree for restitution of conjugal rights, but respondent No.2 has not joined him and thereafter, even a petition for grant of decree of divorce was also filed, which is pending on the file of Family Court, Warangal, and, therefore, requests to quash the proceedings in the aforesaid crime.

5. A perusal of the cause title would show that all the petitioners were residing in the very same address. The allegations in the complaint lodged by respondent No.2, even at this stage, make out *prima facie* allegations to substantiate the offences alleged against the petitioners.

6. Hence, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

March 21, 2017.
MD

A. SHANKAR NARAYANA, J