

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2774 of 2011

ORDER:

When the matter was called on 07.11.2017, as there was no representation for the petitioners, this Court directed the matter to be listed under the caption 'for dismissal'. Thereafter, the matter was adjourned on four occasions. Even today, when the matter is called, none appears for the petitioner. Hence, the petition is taken up for disposal on merits.

2. The criminal petition is filed for quash of the proceedings in FIR.No.125 of 2011 on the file of the II Town Police Station, Vijayawada City, Krishna District. The offence alleged is under Section 498-A of the Indian Penal Code, 1860.

3. A perusal of the complaint shows that allegations made against the mother-in-law and brother-in-laws, who are petitioners 2 to 4 herein, are very vague and it can be understood that simply to rope in those persons in this case, the allegations are made. The allegation against the second petitioner is that she used to harass the complainant that she has no children. The said allegation cannot constitute any offence under Section 498-A IPC, as it does not amount to cruelty as defined in the first limb of Section 498-A and it does not amount to harassment as defined in the second limb of Section 498-A. So far as petitioners 2 to 4 are concerned the proceedings cannot be permitted to continue. But considering that the first petitioner demanded additional dowry, the proceedings against him shall continue, as the truth of the same has to be adjudicated.

The criminal petition is allowed in part and the proceedings in FIR.No.125 of 2011 on the file of the II Town Police Station, Vijayawada City, Krishna District, against the petitioners, are hereby quashed and the proceedings against the first petitioner shall continue. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 26, 2017
DSK

T. RAJANI, J

