

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 9032 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. for quashing of the proceedings against the petitioner/A5 in Crime No.179 of 2011 of P.S. Vikarabad, registered for the offence punishable under Section 304-B IPC.

2. The case of the prosecution is that the defacto complainant gave a written report dated 28.07.2011 to the police, Vikarabad, that the accused A1 and his family members A2 to A6 have harassed his daughter Rizwana who was given in marriage to A1. He alleged that he gave dowry by way of cash of Rs.1,00,000/-, five tolas of gold, kitchen articles to the accused A1 at the time of marriage. After marriage, they live happily for about five months and thereafter, the accused A1 demanded additional dowry and beat his daughter with a rod due to which she fell down. It is further alleged that the accused A1, in-laws and others brought his daughter and left her in his house. Thereafter, she was admitted in a hospital for treatment of her injuries. Prior to the incident, a panchayat was held in the presence of elders and mediators wherein the accused A1 and in-laws agreed to look after his daughter well, and took her back to her matrimonial home. On 28.07.2011, at about 6.00 P.M., when he was at home, he received a phone call from one unknown person informing about death of his daughter. Immediately, he went to the village

and took his daughter to the hospital, and lodged a complaint against the husband and in-laws of his deceased daughter in the P.S. Vikarabad, which was registered as a case in Crime No.179 of 2011 for the offence punishable under Section 304-B IPC. The police registered the case and issued FIR against the accused A1 to A6. This criminal petition is filed by accused A5 for quashing the proceedings against him in Crime No.179 of 2011 of P.S. Vikarabad.

3. Heard the learned counsel for the petitioner, and the learned Public Prosecutor.

4. The learned counsel for the petitioner/A5 submits that there are no specific overt-acts attributed against the petitioner herein, much less the allegation of harassment meted out to the deceased and that the allegations made in the complaint are omnibus in nature and that the petitioner is doing agriculture in his village and that he is the only person to look after his two small children and therefore sought for quashing of the proceedings against him.

5. The learned Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, on the ground that there are specific allegations made against the accused A1 to A6 in the complaint, including the petitioner/A5.

6. On perusal of the record and as per the allegations made in the complaint, it appears that all the family members of the petitioners were arrayed as A1 to A6 in the above crime alleging that they harassed the deceased physically and mentally containing specific instances. Truth or otherwise of the allegations cannot be gone into at this stage. Hence, this Court is of the view that there are no valid grounds to quash the proceedings against the petitioner/A5.

7. In the result, the criminal petition is dismissed. However, the trial Court shall dispense with the presence of the petitioner/A5 during trial on an application made by him in this regard. Miscellaneous petitions, if any pending in this criminal petition, shall also stand dismissed.



GUDISEVA SHYAM PRASAD, J.

06th October 2017

MJL / KSM