

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.12321 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') is filed requesting to quash the First Information Report in Crime No.270 of 2017 of Saroornagar WPS.

The petitioners, who are arraigned as accused Nos.2 to 7, alleged to have committed the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Heard Sri Mohammed Gayasuddin, learned counsel for the petitioners. He would submit that there are no allegations worth the name against the petitioners and, in fact, the *de facto* complainant is not living with the petitioners and even the complaint would clearly show that the *de facto* complainant is not living with the petitioners. In support of his submission, he intended to rely on the 1st paragraph of the complaint.

Learned Assistant Public Prosecutor for the State of Telangana would refute the submissions of the learned counsel for the petitioners and would submit that the allegations in the complaint are sufficient at this stage to proceed with the investigation.

A perusal of the contents of the complaint at page '13' of the material papers would show that the phone number of the husband of the *de facto* complainant was blocked to disable her from contacting her husband and when she visited her parents-in-law's house, all the

petitioners beat her and confined her in a room, whereas her husband caught hold of her hair and kicked in her stomach threatening her to give divorce and, thus, left her. In the face of these allegations, it is difficult at this stage to hold that there is no *prima facie* allegation to proceed with the investigation further. Therefore, there is no merit in the present petition.

Hence, the present Criminal Petition is dismissed leaving it open to the petitioners to make an application after the investigation is completed and in case charge sheet is filed.

Miscellaneous applications, if any pending in the present petition, stand closed.

13.12.2017

v v

JUSTICE A.SHANKAR NARAYANA

