

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.4773 of 2013

ORDER

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.196 of 2011 on the file of the XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offence under Section 498-A IPC and under Sections 4 and 6 of Dowry Prohibition Act, against the petitioners/A2 to A4.

2. Heard learned counsel for the petitioners and the learned Public Prosecutor for the second respondent-State. None appears for the first respondent, in spite of service of notice.

3. Learned counsel for the petitioners submits that the first respondent filed another complaint against all the accused and the police filed charge sheet in the said crime only against A1, who is her husband, by deleting the names of these petitioners. He further submits that the first respondent also filed DVC No.171 of 2010 on the file of the I Metropolitan Magistrate, Hyderabad, and the same was disposed of on 15.04.2011, wherein the Court observed at paragraph No.11 that the first respondent though made a specific allegation that respondent No.3, A2 herein, kicked her from behind while she was cleaning the floor, which resulted into abortion, she has not produced any oral or documentary evidence and also observed that in the entire evidence, she has not stated the reasons for not reporting such incident to her parents or to the police and that

the first respondent merely alleged domestic violence against the accused without any basis or support. Learned counsel further submits that the first respondent filed the present complaint only after pronouncement of Talak by her husband. He further submits that the second petitioner/A3 is no more.

4. Apart from the above facts, as per the complaint, the incident occurred on 20.10.2009, but the report was given on 28.10.2009. In the circumstances, this Court opines that further proceedings against petitioners 1 and 3/A2 and A4 are liable to be quashed.

5. Accordingly, the Criminal Petition is allowed, quashing the proceedings in C.C.No.196 of 2011 on the file of XV Additional Chief Metropolitan Magistrate, Nampally, against petitioners 1 and 3/A2 and A4. The Criminal Petition shall stand abated against petitioner No.2/A3. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

T. RAJANI, J

29th October, 2018.

sj