

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7327 of 2011

ORDER:

This petition is filed, by the petitioner, who is A3, seeking for quash of the proceedings in C.C.No.121 of 2010 on the file of IV Additional Judicial Magistrate of First Class, Kakinada. The offences alleged are under Sections 498A, 406, 420, 494, 120(B) r/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. A perusal of the complaint shows that there are absolutely no allegations made against this petitioner. This petitioner is the first wife of the husband of the *de facto* complainant. She only makes allegations against her husband and no allegations are found against this petitioner. In the charge sheet, it was mentioned that this petitioner gave active support to A1 for commission of the offence. But wherefrom the investigating officer could get the material to come to that conclusion, is not known, as the statements of the witnesses which are filed before this court also does not show that A3 has rendered any support to A1 for commission of the offence. Not even one witness has stated against this petitioner.

4. Hence, in view of the above, this court opines that the further proceedings would only result in abuse of process of law.

5. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.121 of 2010 on the file of IV Additional Judicial Magistrate of First Class, Kakinada, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

September 12, 2018
LMV



T. RAJANI, J