

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12314 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in C.C.No.533 of 2011, against the petitioners, who are A6 and A7, on the file of the II Additional Judicial Magistrate of First Class, Tanuku. The offences alleged are under Sections 498-A, 323, 406, 403, 506(2) read with Section 34 of the Indian Penal Code.

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

3. The counsel for the petitioners submits that first petitioner is the husband of the second petitioner and that the second petitioner is the sister of A1. He further submits that on the same set of facts the *de facto* complainant, who is the second respondent herein, filed DVC.No.4 of 2011 and the same was dismissed by virtue of detailed passed by the II Additional Judicial First Class Magistrate, Tanuku on 04.12.2015. He also submits that the *de facto* complainant and A1 are living together. He also submits that the petitioners are not living with the *de facto* complainant and the allegations levelled against them cannot be believed.

4. The order in DVC.No.4 of 2011 is also filed, a perusal of which shows that the Court below recorded that the *de facto* complainant admitted that there are no disputes with her husband and that he is an innocent person but due to interference of her in-laws the disputes

arose between them and they have good terms and marital relationship exists between them. It was also recorded as an undisputed fact that they were living together. The order also shows that the second respondent failed to prove any demand of additional dowry, which was alleged against the petitioners herein. It was also observed that the allegations made against the petitioners are bald in nature. Hence, in view of the above, it can be seen that the present complaint is only a frivolous complaint.

In the light of the above, the criminal petition is allowed and the proceedings in C.C.No.533 of 2011, against the petitioners, who are A6 and A7, on the file of the II Additional Judicial Magistrate of First Class, Tanuku, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 6, 2018
DSK

T. RAJANI, J

