

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2974 OF 2013

ORDER:

This petition is filed by the petitioners, who are A1 to A3, seeking to quash the proceedings in C.C.No.163 of 2012 on the file of the court of Judicial Magistrate of First Class, Atmakur, SPSR Nellore District. The offences alleged are under Sections 498A r/w 109 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

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

3. The counsel for the petitioners reports that the 1st petitioner is no more and hence, no further orders need be passed. So far as the other petitioners are concerned, the counsel submits that their names were deleted in the charge sheet, against which protest petition was filed and by virtue of the order, dated 24.08.2012, passed in CRF No.2228 of 2011 the Judicial Magistrate of First Class, Atmakur, took cognizance of the case after observing that *prima facie* material was found against the petitioners. But the counsel for the petitioners submits that the order does not reflect any reasons for taking cognizance, except stating that *prima facie* material was found.

4. The counsel further submits that in the statements of the independent witnesses recorded by the police, they categorically stated that the *de facto* complainant informed

them that she is implicating these petitioners only in order to teach a lesson to A1. No statements were recorded while taking cognizance on the protest petition.

5. Hence, in view of the above, when the statements of the witnesses are to the effect that the petitioners were falsely implicated only in order to teach a lesson to A1, there cannot be any reason for the court to take cognizance of the case against the petitioners without assigning any reasons. Moreover, the complaint itself shows that the name of the third petitioner is very casually mentioned and that she did not have any intention to include her in the first instance.

6. Hence, in view of the above, this court opines that continuation of further proceedings against the petitioners would be an abuse of process of law.

7. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.163 of 2012 on the file of the court of Judicial Magistrate of First Class, Atmakur, SPSR Nellore District, are hereby quashed.

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

T.RAJANI, J

December 4, 2018
LMV