

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.43 of 2017

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are accused Nos.1, 3 and 4, in C.C.No.245 of 2015 on the file of the Judicial Magistrate of First Class, Shadnagar. The offences alleged are under Sections 498A read with 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.

3. The counsel for the petitioners takes this court through the contents of the subsequent FIR.No.105 of 2015, which was registered based on the complaint given by none other than the 1st respondent herein. The complaint was given on 13.04.2015 at 18:00 hours, wherein it is stated that the complainant-Naziya Begum got married to Syed Arshad, who is the 1st petitioner herein and after one month of the marriage, Md. Saddam came to her house and approached her husband and told him about her past life and thereafter, she started living with her parents. She further states that taking advantage of the situation, Saddam told her that he was in love with her, prior to her marriage and developed relationship forcibly, out of which she was blessed with a male child and when she asked him to marry her, he along with his friends Syed, Home guard, and another

Kiran, Home Guard threatened to kill her if she forced Saddam to marry her.

4. Hence, in the light of the contents of the complaint filed in the year 2015, the contents of the present complaint filed in 2012, which are reflected in the charge sheet, cannot be considered as true. The present complaint is filed on 26.04.2012, stating that the petitioners herein harassed her for dowry. The credulity of the present complaint gets completely drained by the facts stated in the subsequent complaint. Hence, in the background of the said facts, it can be said that the complaint is totally a *mala fide* complaint filed to harass the petitioners.

The Criminal petition is accordingly allowed and the proceedings against the petitioners, who are accused Nos.1, 3 and 4, in C.C.No.245 of 2015 on the file of the Judicial Magistrate of First Class, Shadnagar, are hereby quashed.

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

T. RAJANI, J

January 4, 2018
LMV