

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.13065 of 2011

ORDER:

This criminal petition is filed seeking to quash the proceedings in FIR No.141/2011 of Akividu Police Station, West Godavari District, against petitioner, registered for the offences punishable under Sections 498A and 34 IPC.

Heard learned counsel for the petitioner. Notice sent to the 2nd respondent returned as unclaimed and therefore it is deemed service; however, none appeared for the second respondent.

A perusal of first paragraph of the complaint though does not show that any allegations are made against this petitioner; however, in the second paragraph, the defacto complainant alleges that the petitioner has been harassing her and that he has beat her with a demand of additional dowry.

Hence, in the above circumstances, the contention of petitioner's counsel that the complaint was filed by the defacto complainant as a counterblast to the petition filed by the petitioner seeking restitution of conjugal rights cannot be considered. The fact that the defacto complainant left the company of the accused would also suggest that there is some truth in her allegations.

Hence, this Court is of the view that this is not a fit case to quash the proceedings against the petitioner.

Accordingly, the criminal petition is dismissed. However, the 1st respondent-police is directed not to arrest the petitioner without following due process under Section 41-A Cr.P.C. Pending miscellaneous petitions, if any, shall also stand dismissed.

T. RAJANI, J

05th December, 2018
KSM

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