

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2491 of 2011

ORDER:

When the matter was taken up for hearing on 05.12.2017, as none appeared, it was directed to be listed under the caption 'for dismissal'. Thereafter, the matter was adjourned to today. Even today, when the matter is taken up for hearing, neither the petitioners appear nor there is any representation on their behalf. Hence, the petition is taken up for disposal on merits.

2. This petition is filed seeking for quash of the proceedings against the petitioners, who are accused Nos.1 to 5, in Crime No.34 of 2011 on the file of WPS, CCS, Hyderabad. The offences alleged are under Sections 498A and 406 IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

3. Heard the Public prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

4. A perusal of the complaint would show that there are allegations against all the petitioners that they harassed the complainant for sufficient dowry. When the first petitioner left for Dubai, in-laws of the complainant started harassing her on one pretext or the other and when she tried to contact her husband, she did not succeed and subsequently, she received a registered letter that her husband pronounced talak to her. Hence, *prima facie*, the allegations would constitute the offences alleged

against the petitioners so far as Section 498A IPC and Sections 4 and 6 of the Dowry Prohibition Act are concerned.

5. With regard to Section 406 IPC, the allegations are that the dowry was given. Hence, unless the details of the manner in which the dowry was given and for the purpose for which it was given is brought out through the evidence before the trial court during trial, the said offence also need to be deemed as attracted by the allegations.

6. With the above observations, the Criminal Petition is dismissed. Interim stay granted by this court in CRLP MP No.2565 of 2011, dated 18.03.2011, shall stand vacated.

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

January 2, 2018
LMV

T. RAJANI, J

