

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7200 of 2013

ORDER:

This criminal petition is filed for quash of the proceedings in Cr.No.43 of 2013, against the petitioners, who are A5 to A7, on the file of the Station House Officer, Vatsavai Police Station, Krishna District. The offences alleged are under Sections 323, 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

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

3. The complaint shows that some vague allegations are made against the petitioners stating that the petitioners used to harass the complainant for not working in the house. The first petitioner is the sister-in-law of the complainant, the second petitioner is the husband of the first petitioner and the third petitioner is the husband of another sister-in-law of the complainant.

4. Apart from the above, the counsel for the petitioners submits that an *ex parte* decree of divorce was granted in favour of the husband of the complainant by way of orders in O.S.No.1195 of 2010 dated 12.07.2011 and the complainant did not question the said order and suppressing the said fact, she filed this complainant in the year 2013.

5. The fact remains that the complainant has been residing separately from her husband since 12.07.2011, which is the date of divorce decree. Hence, in such circumstances, the allegations made in the complaint, *prima facie*, appear to be false. In view of the above, the continuation of further proceedings against the petitioners would only be abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in Cr.No.43 of 2013, against the petitioners, who are A5 to A7, on the file of the Station House Officer, Vatsavai Police Station, Krishna District, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 10, 2018
DSK



T. RAJANI, J