

THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.14731 of 2014

ORDER :

The petitioners are Accused 1 to 5 of Cr.No.63 of 2014 of Women Police Station, Euru, registered for the offences punishable under Sections 498-A and 506 read with 34 IPC and under Sections 3 and 4 of the Dowry Prohibition Act, on the report of the 2nd respondent who is no other than wife of A.1 and daughter-in-law of A.2 and A.3 and sister-in-law of A.4 and the A.5 is co-sister of the defacto-complainant.

Heard the learned counsel for the petitioners in seeking quashment of the First Information Report and also the learned counsel for the 2nd respondent-defacto-complainant and the learned Public Prosecutor in opposing the same and perused the First Information Report and the quash petition averments which also reflects about the filing of O.P.No.63 of 2009 for restitution of conjugal rights by the A.1 against the defacto-complainant pending on the file of the Prl.Senior Civil Judge, Nandyal later transferred as per the Tr.O.P.No.10 of 2012 and pending on the file of the Prl.Senior Civil Judge, Kurnool.

A perusal of the First Information Report running in three pages shows with a specific allegations against the A.1 to A.3 and there is no allegation much less name specifically even of A.4 so also of A.5. It is the submission of the learned Public Prosecutor that for the crime later transferred from WPS, Euru to WPS Kurnool where pending by virtue of transfer for investigation

dt.06.12.2014 as present crime No.64 of 2014. The stay granted by this Court was stay of all further proceedings in Cr.No.63 of 2014 of WPS, Eluru dt.09.12.2014 as referred supra.

From perusal of the First Information Report once there are specific allegations against the A.1 to A.3 that too the investigation is at nasal stage, there is nothing to quash the FIR so far as the A.1 to A.3 concerned but for A.4 and A.5.

In the result, Criminal Petition is partly allowed by quashing the proceedings in Cr.No.163 of 2014 of WPS, Eluru now pending on the file of WPS, Kurnool(Cr.No.64 of 2014) so far as the A.4 and A.5, but with regard to A.1 to A.3 is dismissed. The A.1 to A.3 if at all there is any difficulty for appearance, liberty is given to represent by one among A.1 to A.3 for others by moving application under Rule 37 of the Criminal Rules of Practice before the trial Court. Pending miscellaneous petitions, if any, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:26.10.2018
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