

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4503 of 2018

ORDER :

The petitioners are A.3, A.4, A.6 and A.7 among seven accused in C.C.No.285 of 2014 pending on the file of the VIII Additional Chief Metropolitan Magistrate, Hyderabad, and taken cognizance for the offences punishable under Sections 498-A and 506 IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961, out come of Crime No.12 of 2008 of Asifnagar Police Station, Hyderabad.

2. Heard learned counsel for the quash petitioners and the 1st respondent/*de facto* complainant/victim and learned Public Prosecutor, representing the State for 2nd respondent, and perused the quash petition averments, F.I.R., charge sheet and the statement of witnesses among LWs.1 to 5, no other than the *de facto* complainant supra, her father and three brothers and the earlier quash petitions disposal orders one not to arrest in CrI.P.No.10547 of 2011, dated 02.11.2011, the interim protection order in CrI.P.M.P.No.15075 of 2014 in CrI.P.No.14255 of 2014, dated 05.12.2014 and ultimately the said petition was withdrawn on 11.04.2018 and in between the order in CrI.P.No.1090 of 2012, dated 08.10.2012.

3. In fact, in CrI.P.No.1090 of 2012, which is the quash petition filed by A.1 and A.3, by order, dated 08.10.2012, it is observed by another Bench of this Court that having gone through the statement of the *de facto* complainant, there is a demand for the amount by A.3 and also paid through the account of A.3 and such is the material

available, the proceedings cannot be interdicted so far as A.1 and A.3 concerned. Once such is the case and from perusal of the charge sheet and the statement of the *de facto* complainant and other witnesses, there are specific allegations only against petitioner No.1/A.3 and not against petitioner Nos.2 to 4/A.4, A.6 and A.7 and the general allegations will no suffice to rope them. Thereby, even it was taken cognizance against A.1 to A.7, the criminal petition is allowed quashing the proceedings so far as petitioner Nos.2 to 4/A.4, A.6 and A.7 concerned, for no any specific allegations to sustain against them to bring them liable for the offences punishable under Sections 498-A and 506 IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act.

4. Having regard to the above, while dismissing the quash petition so far as petitioner No.1/A.3 concerned, allowed insofar as petitioner Nos.2 to 4/A.4, A.6 and A.7 by quashing the proceedings against them in C.C.No.285 of 2014 on the file of the VIII Additional Chief Metropolitan Magistrate, Hyderabad. The bail bonds of petitioner Nos.2 to 4/A.4, A.6 and A.7 shall stand cancelled. Further, the lower Court can proceed with the trial if charge already framed as it is the crime of 2008.

5. Accordingly and in the result, the criminal petition is allowed in part.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

22nd October 2018.
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