

THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.3490 of 2013

ORDER:

This Criminal Petition is filed under section 482 of Cr.P.C., to quash the proceedings in C.C. No.685 of 2002 on the file of the Judicial First Class Magistrate at Sircilla.

2. The contention of the petitioners is that the petitioner Nos.2 to 4 are children of petitioner No.1 and they are innocent persons, they have not committed any offence and they have been falsely implicated in the said case. The complaint under 161 statement as well as the charge sheet shows that no single allegation is made against the petitioners. That the petitioner No.1 who is the natural father of A-1 has given the A-1 in adoption to the accused No.9 while he was in childhood, since then, the petitioner No.1 is in no way concerned with A-1 and his family members. The petitioner No.1 is a Government servant, residing along with his family members at Jagtial.

3. Per contra, the Assistant Public Prosecutor clearly admitted that there is no specific allegation against the petitioners except bald allegation in the charge sheet that the petitioners harassed and ill-treated the complainant mentally and physically and demanded to get additional dowry amount.

4. Now the point for determination is:

Whether there is any prima facie material against the petitioners to prosecute them?

Contd..P.2.

5. The learned Counsel for the petitioners contended that there is no specific allegation against the petitioners and they have not committed any offence under section 498-A, 494, 506 IPC and section 4 of the D.P. Act and they have been falsely implicated.

6. On the other hand, the learned Assistant Public Prosecutor admitted that there is no specific allegation against the petitioners except bald allegation in the charge sheet that the petitioners harassed and ill-treated the complainant mentally and physically and demanded to get additional dowry amount.

7. A perusal of the record goes to suggest that the petitioner No.1 is the father of the petitioner Nos.2 to 4 and he being a Government servant residing along with other petitioners 2 to 4 at Jagtial. Whereas, respondent No.2 is residing at Yellareddypet, Karimnagar District. It is also a fact of giving adoption of A-1 to accused No.9 during his childhood days, since then A-1 became family member of accused No.9 though petitioner No.1 is the natural father of A-1. That, since the petitioners are residing at Jagtial separately and in no way concerned with A-1, allegation of their harassing and ill-treating mentally and physically the 2nd respondent and further demanding additionally dowry amount, cannot be accepted, more particularly when A-1 has become family member of adoptive parents of A9. No single allegation or complaint in the charge sheet or in 161 statement is made against any of the petitioners. Since it is also clearly admitted by the Assistant Public Prosecutor that there is no specific allegation made against the petitioners, such cognizable offence cannot be

attributed to the petitioners. In view of the above, if the impugned proceedings are allowed to continue, much prejudice will be caused to the petitioners, besides abuse of process of law. Hence, in the absence of any specific allegation, the petitioners cannot be made to suffer and therefore, the proceedings in C.C. No.685 of 2002 on the file of the Judicial First Class Magistrate at Sircilla are quashed.

8. In the result, the Criminal Petition is allowed.

Dated:31-1-2018

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JUSTICE N. BALAYOGI

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