

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1975 of 2013

ORDER:

This criminal petition is filed, by the petitioners, who are A2 to A6, seeking for quash of the proceedings against him in C.C.No.291 of 2012 on the file of the court of XV Additional Chief Metropolitan Magistrate, Hyderabad. The offences alleged are under Sections 498A r/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent as well as the counsel appearing for the 2nd respondent.

3. The counsel for the petitioners submits that the 2nd to 4th petitioners are the sisters, the 5th petitioner is the mother and the 6th petitioner is the younger brother; of the A1, who is the husband of the *de facto* complainant, and that they are residing separately from the *de facto* complainant and her husband. He further submits that the marriage took place on 01.06.2007 and the *de facto* complainant admittedly left the company of her husband in the month of June, 2010 and the talak was pronounced on 03.09.2011. He also submits that the complainant filed a case under the Domestic Violence Act viz., D.V.C.No.2 of 2012 and the same was dismissed for default and the same became final. He submits that the present complaint is filed on 05.01.2012 i.e., after more than 1½ years from the date on which the complainant left the house of her

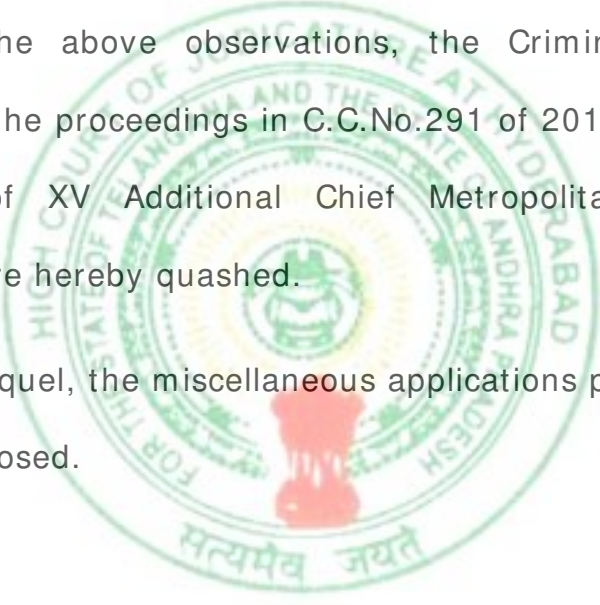
husband. He also submits that a suit for damages was also filed by the complainant and the same was dismissed by virtue of the judgment in O.S.No.2242 of 2011 on the file of the court of VII Junior Civil Judge, Hyderabad.

4. Hence, all the above facts would only suggest that this petition is filed only as an abuse of process of law. In view of the above, this court opines that the continuation of proceedings against the petitioners would only result in abuse of process of law.

5. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.291 of 2012 on the file of the court of XV Additional Chief Metropolitan Magistrate, Hyderabad are hereby quashed.

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

November 5, 2018
LMV


T. RAJANI, J