

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7721 of 2011

ORDER:

This petition is filed, by the petitioners, who are A4 to A7, seeking for quashing of the proceedings, in Crime No.22 of 2011 of Women Police Station, Kurnool. The offences alleged against the petitioners are under Sections 498A, 323, 506 IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing, for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The counsel for the petitioners submits that there are absolutely no allegations made against petitioners 2 to 4, who are A5 to A7. The only allegation made against them is that they want to perform 2nd marriage to A1 and that they are trying to give up the complainant and to perform marriage of A1 with the daughter of A5 and A6 and that they used to instigate A1 to harass the complainant. But, in the considered opinion of this court, the said allegations would not constitute the offence under Section 498A IPC.

4. Hence, considering the fact that except the said allegation, no other allegations were made against petitioners 2 to 4, which would constitute the offence under Section 498A IPC, the further proceedings against these petitioners, are liable to be quashed.

5. However, so far as the 1st petitioner is concerned, there are specific allegations made against her that she harassed the complainant. Hence, the petition insofar as the 1st petitioner is concerned, is liable to be dismissed.

6. With the above observations, the Criminal Petition insofar as 1st petitioner is concerned, is dismissed and the criminal petition insofar as petitioners 2 to 4 is allowed and the proceedings against the petitioners 2 to 4 in Crime No.22 of 2011 of Women Police Station, Kurnool are hereby quashed. Interim stay granted this court insofar as 1st petitioner is concerned in Crl.M.P.No.8165 of 2011 dated 29.08.2011 shall stand vacated.

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

August 27, 2018
LMV

T. RAJANI, J