

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1645 of 2013

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in C.C.No.1301 of 2007, against the petitioners, who are A1 to A5 and A11, on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam. The offences alleged are under Sections 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard the counsel for the petitioners and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. The counsel for the petitioners submits that first petitioner filed divorce petition subsequent to the filing of this complaint and divorced was granted on the ground of cruelty.

4. A perusal of the judgment in OP.No.162 of 2007 dated 02.07.2012 passed by the Family Court cum V Additional District and Sessions Judge, Visakhapatnam shows that the respondent therein did not enter into the witness box to controvert the evidence of P.W.1, who is the first petitioner herein. The Court below, considering the evidence of the petitioner, granted divorce, against which it is stated that no appeal is preferred by the second respondent – complaint.

5. The counsel for the petitioners also draws attention of this Court to the order of this Court in CRLP.No.6849 of 2010 and batch dated 10.10.2012 by virtue of which the Court quashed the proceedings in

DVC.No.18 of 2010 against petitioners therein, who are A4, A5, A6, A7, A8, A9, A10, A12, A13 and A14 considering that they were all distant relatives of A1 and that they were roped in. The counsel also submits that this Court in CRLP.No.1646 of 2013 dated 14.08.2018 quashed the proceedings in DVC.No.18 of 2010 against the petitioners therein, who are A1 to A3 herein.

6. From the aforesaid two orders, it can be understood that the second respondent – complainant has filed the present complaint frivolously and that she did not choose to question the order of divorce, which is granted on the basis of cruelty as a ground. Hence, this Court is of the opinion that continuation of further proceedings against the petitioners would only be abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in C.C.No.1301 of 2007, against the petitioners, who are A1 to A5 and A11, on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 8, 2018
DSK

T. RAJANI, J