

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2028 of 2011

ORDER:

This petition is filed, by the petitioner, who is the accused, seeking for quash of the proceedings in Crime No.542 of 2009 on the file of Women Police Station, CCS, Hyderabad. The offences alleged are under Sections 498A IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

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

3. The charge sheet is already filed in this case. Apart from that, from the submissions of the counsel for the petitioner itself, it can be understood that the complainant filed a petition for divorce against this petitioner on 25.09.2009 and the same is decreed in her favour in December, 2010. Hence, the said fact would, *prima facie*, strengthen the cause of the complainant to file this complaint.

4. Hence, in such circumstances, it is not advisable to quash the proceedings. However, the counsel for the petitioner submits that the NBWs were issued to the petitioner, who is residing in US, and the same were sent to the airport and look out notices were issued and hence, the petitioner apprehends that he would be arrested if he comes to India.

5. Hence, in view of the above, the lower court is directed to dispose of the petition, which the petitioner files seeking for recall of the NBWs and decide the petition in the absence of the petitioner, preferably on the same day.

6. With the above observations, the Criminal Petition is dismissed. Interim stay granted by this court in CrI.M.P.No.2055 of 2011, dated 09.03.2011, shall stand vacated.

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

September 5, 2018
LMV



T. RAJANI, J