

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.542 of 2011

ORDER:

The criminal petition is filed for quash of the proceedings in CC.No.482 of 2010 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad. The offences alleged are under Sections 498-A of the Indian Penal Code and Section 6 of the Dowry Prohibition Act.

2. Heard the counsel for the petitioner 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 based on the complaint filed by the complainant, who is the father of the victim, a case was registered and investigated and in the charge sheet the names of A2 to A4 were deleted. The petitioners herein are A2 and A3. Aggrieved by the deletion of their names in the charge sheet, the complainant filed a protest petition before the Court and the Court by virtue of a cryptic order passed in CRLMP.No.4223 of 2010 dated 08.11.2010 took cognizance of the case against A2 to A4 also. The counsel submits that the wife of A1, who is the daughter of the complainant, has, in fact, obtained divorce in OP.No.1355 of 2009 vide order dated 25.09.2010. He contends that the allegations made in the complaint are all pertaining to the personal knowledge of the daughter of the complainant and hence, the complainant cannot be considered as a competent person to lodge a complaint, which is filled with allegations of which he does not have any personal knowledge.

4. This Court finds some force in the aforesaid submissions. A perusal of the complaint would show that there is no scope for the complainant to witness the harassment alleged against A2 to A4. The Court below does not seem to have applied its mind while taking cognizance against A2 to A4. In the light of the above, this Court opines that continuation of any further proceedings would only result in abuse of process of law.

The criminal petition is allowed and the further proceedings in CC.No.482 of 2010 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, against the petitioners, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

August 21, 2018
DSK



T. RAJANI, J