

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.3041 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.350 of 2010 of Madhapur Police Station, Cyberabad, registered for the offence under Section 498-A IPC and under Sections 4 and 6 of Dowry Prohibition Act, against the petitioner/accused.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the second respondent. None appears for the first respondent-de facto complainant in spite of service of notice.

3. A perusal of the complaint shows that the marriage between the petitioner and the de-facto complainant took place on 29.04.1994 and two children were born out of their wedlock. Later, the petitioner started a college at Srikalahasti by incurring heavy debts and he also filed an insolvency petition. Subsequently, he came to Hyderabad and got employment at Narayana School as a Teacher. It is stated that at the time of running the college, the petitioner harassed the de-facto complainant to bring huge amounts from her parents for payment of salaries to the college staff. She also made several allegations that the petitioner used to harass her and her sons by beating them.

4. In the complaint, the de-facto complainant mentions about a message given to her and her father by the petitioner. The said

message shows that the petitioner made several complaints against the de-facto complainant, her father and her brother and they were responsible for the disputes in his marital life. But in the complaint, she stated that the petitioner harassed her. It can be understood from the complaint that since 2010, there was no communication between the petitioner and the de-facto complainant. The complaint was lodged on 29.05.2010 i.e., much after the communication between petitioner and the de-facto complainant was stopped. But she stated in the complaint that one month back, the petitioner called her and demanded an amount of Rs.50,000/- towards dowry and she expressed her inability to fulfil the said demand. There is no allegation that there was any harassment meted out to her on her failure to meet the said demand. The complaint seems to have been filed only based on the message sent to her and her father, by the petitioner, with a threat to commit suicide. It appears that the de-facto complainant was threatened by the said message on the premise that a case would be filed against her and her father for abetment of suicide. In the complaint, she also stated that her parents and her brother would not be responsible for the suicide, if any committed by the petitioner, and that they never abetted him for committing suicide. She does not express any grievance or does not seek any action to be taken against the petitioner with regard to the harassment as alleged in the first paragraph of the complaint. She only gave the complaint in order to safeguard herself and her parents and to prove her innocence. From the above circumstances, it can be understood that any offence under Section 498-A IPC

much less the offences under Sections 4 and 6 of Dowry Prohibition Act is made out against the petitioner from the allegations in the complaint.

5. In view of the above, this Court opines that continuation of proceedings against the petitioner would only be an abuse of process of law and the proceedings are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed, quashing the proceedings in Cr.No.350 of 2010 on the file of Madhapur Police Station, Cyberabad District, against the petitioner/accused. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

10th September, 2018.

sj



T. RAJANI, J