SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.7352 of 2011 and 13 of 2012

COMMON ORDER:

These petitions are filed, seeking for quash of the proceedings against the petitioners, who are A1 & A2 and A3 & A4 respectively in these petitions, in C.C.No.51 of 2011 on the file of the XIII Additional Chief metropolitan Magistrate, City Criminal Courts, Red Hills, Hyderabad. The offences alleged are under Sections 498A and 406 r/w 34 IPC.

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. A perusal of the complaint would show that no allegations are made against the husband of the complainant. The allegations are only against the petitioners, who are the brothers-in-law and the wife of the brother-in-law. Even according to the complaint, A2 resides in USA, A3 and A4 reside in Jeddah, Middle East Countries, whereas A1 resides in Hyderabad. The complainant resides separately at Maqta Madarsab, Raj Bhavan Road, Hyderabad. The allegations are that A2 instigates A3 and A4 over phone from USA and they harassed the complainant, saying that she did not bring dowry, though it is a second marriage for her.

4. The counsel for the petitioners submits that in order to some how wreck out her vengeance with regard to the property

disputes between the parties, the complainant filed this false complaint. Learned counsel also submits that there are civil cases pending between the parties.

5. The allegations, as can be seen from the complaint, do not inspire confidence. Admittedly, none of the petitioners in these petitions are staying together with the complainant and the alleged harassment seems to be far fetched. The complainant, at one place, states that it is A2, who instigated the other accused, and, at other place, she states that A3 and A4 used to instigate A1. On the face of it, it appears that the allegations are false. Hence, continuing the proceedings against the petitioners in the above CC would only result in abuse of process of law.

6. In view of the above, this court opines that it is a fit case for quashing the proceedings.

8. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioners, who are A1 & A2 and A3 & A4 respectively in these petitions, in C.C.No.51 of 2011 on the file of the XIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Red Hills, Hyderabad, are hereby quashed.

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

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T. RAJANI, J

August 14, 2018
LMV