

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.7330 OF 2011

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Crime No.71 of 2011 of Gurla Police Station, Vizianagaram.

The brief facts of the case are that respondent No.2 is the *de facto* complainant, who filed a private complaint under Section 200 Cr.P.C. against the petitioners herein and others making allegations with regard to their physical and mental harassment against her for additional dowry. The private complaint has been referred under Section 156(3) Cr.P.C. to the Station House Officer, Gurla Police Station for investigation. On 03.08.2011, the police have registered the complaint as Crime No.71 of 2011 for the offences punishable under Sections 498-A and 323 IPC read with Section 34 IPC against A.1 to A.8. The present petition is filed by the petitioners/A.2, A.3 and A.8 for quashing the proceedings in Crime No.71 of 2011 against them. The criminal petition against the petitioners 1 and 2, who are A.2 and A.3 has been dismissed as withdrawn as per the order of this Court dated 23.08.2011.

Heard learned counsel for the petitioner and the learned Public Prosecutor. Notices have been served to respondent No.2, but none appeared on her behalf.

Learned counsel for the petitioner submits that the complaint lodged by the 2nd respondent even if entire version is taken as true, there are no specific allegations against A.8. The petitioner No.3, who is A.8 in this crime, is the aunt of the *de facto* complainant. She was married and residing separately with her husband. She has no connection with the

family of the 2nd respondent. At no point of time, she had made any attempt to interfere with their family affairs. The allegations in the complaint are *omnibus* in nature. Therefore, he prays to quash the proceedings against the petitioner/A.8.

Learned Public Prosecutor submits that there are no specific allegations against the petitioner/A.8 to attract the provisions under Sections 498-A and 323 IPC read with Section 34 IPC. It is stated that there are no specific instances alleged against the petitioner/A.8 but there are only *omnibus* allegations.

On consideration of the submissions of the learned counsel for the petitioner/A.8, learned Public Prosecutor and on perusal of the petition, it clearly discloses that the allegations against A.8 are omnibus in nature. There are no specific instances stated against A.8. As fairly submitted by the learned Public Prosecutor that there are no specific instances against the petitioner/A.8, prosecuting her for the offences under Sections 498-A and 323 IPC are nothing but abuse of process of law. Therefore, the proceedings against A.8 in Crime No.71 of 2011 have been quashed.

In the result, the Criminal Petition is partly allowed quashing the proceedings against the petitioner/A.8 since the petition against petitioners/A.2 and A.3 has already been dismissed as withdrawn and no order need be passed against them.

The Miscellaneous Petitions, if any, pending shall stand closed.

GUDI SEVA SHYAM PRASAD, J

Date : 02.04.2018
ssp