

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.6533 of 2011

ORDER:

In this Criminal Petition filed under Section 482 Cr.P.C., the petitioners/A.4 to A.6 seek to quash the proceedings against them in C.C.No.713 of 2010 on the file of II Additional Judicial Magistrate of First Class, Tanuku, wherein cognizance was taken for the offences under Sections 498-A, 323, 506 and 406 IPC.

02. The facts in brief are that the *de facto* complainant lodged a complaint in Tanuku I Town P.S., which was registered as a case in Cr.No.159 of 2010 for the offences under Sections 498-A, 323, 506-II r/w 34 IPC and after investigation, the police initially filed charge sheet against A.1 to A.3. Subsequently, on the direction of learned II Additional Judicial Magistrate of First Class, Tanuku, the Police conducted further investigation and filed charge sheet against A.4 to A.6 and also added Sections 406 IPC and Section 4 of Dowry Prohibition Act.

03. Now, the instant petition is filed on behalf of petitioners/A.4 to A.6 seeking to quash the proceedings against them.

04. Heard Sri M.V.Suresh, learned counsel for the petitioners and Smt K. Varalakshmi, learned counsel for respondent No.2 and

learned Additional Public Prosecutor appearing for respondent No.1/State.

05. The main plank argument of learned counsel for the petitioners/A.4 to A.6 is that petitioner Nos.1 and 2/A.4 and A.5 are the elder and younger sisters of A.1 respectively and petitioner No.3/A.6 is the husband of A.4 and all the petitioners are residents of Ongole and they have never lived together with A.1 and the *de facto* complaint and they have nothing to do with the alleged harassment and cruelty set to be meted out by A.1 to A.3 to the complainant and therefore, their inclusion in the offence is unwarranted. It is further argued, in the complaint or in the 161 Cr.P.C., statements of the witnesses, no specific averment with required details regarding the alleged harassment or cruelty meted out by A.4 to A.6 is mentioned so as to justify their inclusion in the case. Except an omnibus allegation that they have harassed the complainant physically and mentally, no other specific allegations are made against them. On this submission, the learned counsel for the petitioners sought for quashment of the proceedings.

06. Learned counsel appearing for the respondent No.2 and the learned Additional Public Prosecutor opposed the petition.

07. It is seen that in the original charge sheet, the petitioners/A.4 to A.6 were not arrayed as accused by the Investigating Officer and it is only after the direction of the trial Court, he conducted further

investigation and filed supplementary charge sheet adding the petitioners/A.4 to A.6 as accused. Now the matter is at the stage of framing charges.

08. Having regard to these facts, this Court is of the considered view that the petitioners/A.4 to A.6 can move the trial Court seeking for discharge by taking all the pleas that are legally permissible to them. In such case, the trial Court shall consider the same and pass an appropriate order on merits at the earliest.

09. Having regard to the submission of the learned counsel for the petitioners that the petitioners/A.4 to A.6 are residents of Ongole, their presence before the trial Court is dispensed with except on the occasions when the trial Court requires their attendance.

With these observations, this Criminal Petition is disposed of.

Consequently, the miscellaneous petitions, if any, pending, in this case, shall stand closed.

Date: 25.07.2018
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U. DURGA PRASAD RAO, J

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



Crl. P. No.6533 of 2011

Dt. 25.07.2018

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