

**HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**CRIMINAL PETITION No.3484 of 2011**

**ORDER :**

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioner/A.3 to quash the proceedings in C.C.No.503 of 2003 on the file of the Judicial First Class Magistrate, Peddapalli, Karimnagar District, registered against her for the offences punishable under Section 498-A r/w. 109 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The brief facts of the case of the prosecution are that, the 2<sup>nd</sup> respondent/defacto-complainant has filed a private complaint on the file of the Judicial Magistrate of First Class, Manthani, against A.1 to A.7 alleging that A.2 to A.7 have instigated A.1 to demand additional dowry and A.1 ill-treated her. The said complaint has been taken on file by the learned Magistrate for the offence punishable under Section 498-A r/w. Section 109 IPC and Sections 3 and 4 of the Dowry Prohibition Act, against A.1 to A.7 and referred the matter to the Station House Officer, Manthani Police Station, Manthani, for investigation and report under Section 156(3) of Cr.P.C. Pursuant thereto, the Station House Officer, Manthani Police Station, has investigated into the matter and filed charge sheet against A.1 to A.4 and A.7, while dropping the proceedings against A.5 and A.6. Thereafter, vide separate

petitions in Crl.P.Nos.2204 of 2005, 1766 of 2006 and 1009 of 2004, the proceedings against A.2, A.4 and A.7 have been quashed. Thereafter, during the pendency of the proceedings in the above case, A.1 – husband of the defacto-complainant has filed O.P.No.12 of 2000 on the file of Senior Civil Judge, Peddapalli, seeking dissolution of marriage with the defacto-complainant and the said petition was dismissed vide order dated 18.04.2003. Aggrieved by the said order and decree dated 18.04.2003 in O.P.No.12 of 2000, A.1 filed C.M.A.No.4384 of 2003 and the same was allowed by this Court vide judgment and decree dated 29.12.2004, dissolving the marriage between A.1 and the defacto-complainant, treating the petition as the one filed for divorce by mutual consent. As the proceedings against the petitioner/A.3 are still pending, she filed the present Criminal Petition for quashing of the proceedings against her in the above C.C.No.503 of 2003.

Heard learned counsel for the petitioner/A.3 and the learned Public Prosecutor appearing for the 1<sup>st</sup> respondent-State. Though notice has been served on respondent No.2/defacto-complainant, none appeared on her behalf.

Learned counsel for the petitioner submits that there are no specific allegation against the petitioner/A.3 that she instigated A.1 for demanding additional dowry and for that purpose, she harassed the 2<sup>nd</sup> respondent/defacto-

complainant. It is further submitted that the marriage of the 2<sup>nd</sup> respondent/defacto-complainant has been dissolved by a decree of divorce by mutual consent by this Court and she is not interested in prosecuting the case and her whereabouts are also not known. It is also submitted that the allegations made by the 2<sup>nd</sup> respondent/defacto-complainant against the petitioner/A.3 are omnibus in nature and the only allegation made against the petitioner/A.3 is that after one week of the marriage, she poisoned the ear of A.1 stating that A.1 married the complainant only for dowry of Rs.1,25,000/- along with some other articles, but A.1 could have got dowry of more than Rs.2,00,000/- with gold and other household articles, that ultimately A.3 has succeeded in her evil plan of creating troubles between the 2<sup>nd</sup> respondent/defacto-complainant and A.3. Learned counsel would further submit that the allegations made in the complaint do not constitute any offence under Section 498-A IPC, as the said allegations are general in nature and there is no instigation on the part of the petitioner/A.3 harassing the 2<sup>nd</sup> respondent/defacto-complainant.

The learned Public Prosecutor submitted that the proceedings against A.2 have been quashed by this Court vide order dated 10.10.2006 in Crl.P.No.1766 of 2006. Since A.3 also stands on the same footing as similar allegations were

made against her, the proceedings against her also are liable to be quashed.

Having regard to the facts and circumstances of the case, since the proceedings in C.C.No.503 of 2003 against A.2, A.4 to A.7 have already been quashed and as C.C.No.503 of 2003 pertaining to the year 2003 and in the meanwhile several proceedings have taken place between the parties, and divorce also has taken place between A.1 and the 2<sup>nd</sup> respondent/defacto-complainant, and as there are no specific allegations made against the petitioner/A.3, the proceedings against her in C.C.No.503 of 2003 are liable to be quashed.

In the result, this Criminal Petition is allowed quashing the proceedings in C.C.No.503 of 2003 on the file of Judicial Magistrate of First Class, Peddapalli, Karimnagar District, registered against petitioner/A.3 for the offences punishable under Section 498-A r/w. 109 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

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

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GUDISEVA SHYAM PRASAD, J

21.03.2018  
Msr

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