

SMT. JUSTICE T.RAJANI

Criminal Petition No.2316 of 2013

ORDER:

This petition is filed by the petitioners, who are accused 2 to 6 seeking to quash the proceedings in C.C. No.1322 of 2011 on the file of the Court of the Judicial First Class Magistrate, Jangareddygudem, West Godavari District. The offence alleged is under Sections 498-A, 506(2), read with Section 34 IPC and Sections 3 & 4 of Dowry Prohibition Act and Section 200 Cr.P.C.

Heard the learned counsel on either side and perused the material placed on record.

Originally on the complaint filed by the complainant, investigation was conducted and charge sheet was filed deleting the names of these petitioners holding that no case was made out against them. The 2nd respondent again filed the present complaint protesting the said deletion of the names of these petitioners and the learned Magistrate took cognizance of the offence. Questioning the said order of cognizance, petitioners are before this Court by way of this petition.

A perusal of the charge sheet filed earlier reveals that the petitioners herein are not responsible for the harassment meted-out to the complainant. Before filing of the charge sheet, statements of the witnesses were recorded. The statements of the neighbours of the complainant were also recorded and all of them in one voice stated that they were informed by the complainant and her parents that A1 only harassed the complainant but A2 to A6 never harassed the complainant.

Apart from the above, the learned counsel for the petitioners submits that the first petitioner is no more and petitioners 3 to 5 are married sisters of A1 and they are residing separately. Hence, the role of

the petitioners 3 to 5 in the harassment cannot be believed. Considering the statements of the neighbours of the complainant, it can be believed that no harassment was reported by the complainant against the second petitioner also. The complaint, which was originally filed by the complainant, does not specify any allegations against these petitioners and after due investigation, the names of these petitioners were deleted as no case was made out against these petitioners. It is only the complainant and her parents, who in their statements mentioned specifically that these petitioners also harassing the complainant. This Court opines that the contents of the complaint do not *prima facie* make out any case against these petitioners. Hence, continuation of further proceedings against these petitioners would be an abuse of process of law.

With the above observations, this Criminal Petition is allowed and the proceedings in C.C. No.1322 of 2011 on the file of the Court of the Judicial First Class Magistrate, Jangareddygudem, West Godavari District are hereby quashed.

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

JUSTICE T. RAJANI

Date: 05.10.2018
LSK