

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10225 of 2017

ORDER:

Heard learned counsel for the petitioners/accused Nos.1 to 3 in crime No.1095 of 2017 of KPHB Colony Police Station, Cyberabad, registered for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, and also learned Public Prosecutor representing the State and before ordering notice to the 2nd respondent-defacto complainant and perused the grounds urged in the quash petition and the contents of the FIR.

The mere fact that there is DVC.12 of 2015 pending on the file of learned Magistrate is not a bar to the maintainability of present crime on the police report though it is one of the contentions of resjudicata to consider.

Coming to the other merits, A.1 is shown undisputedly in USA, thereby he is not entitled to seek for quash that too there is some basis sustaining the allegations. However, so far as petitioners/A.2 & A.3, parents in law concerned, there is nothing to interdict the investigation at nasal stage, but for to say pending investigation, they shall not be arrested. However, it will not prevent the police to secure their presence for the purpose of investigation. All available defences are left open.

Having regard to the above, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 27.10.2017
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