

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No. 31 OF 2019
AND
CRIMINAL PETITION No. 64 OF 2019

COMMON ORDER :

As common question of fact and law are involved in these criminal petitions, they were heard together and are being disposed of by this common order.

2. The petitioners are A-2, A-3 in Criminal Petition No. 31 of 2019 and A-1 in Criminal Petition No.64 of 2019 respectively in C.C.No.222 of 2018 on the file of the Court of Principal Junior Civil Judge-cum-XIV-Additional Metropolitan Magistrate, Rajendranagar, Cyberabad registered for an offence punishable under section 498-A of I.P.C., which is outcome of final report from Crime No:2012 of 2017 of Rajendranagar Police Station, dated 21-09-2017 on the report of the second respondent/defacto complainant, Mrs. Sofia Nellofer, who is no other than the wife of A-1 and daughter-in-law of A-2 and sister-in-law of A-3. The Police after investigation by citing four witnesses including defacto-complainant as LW-1 and her mother and cousin as LW-2 and LW-3 and the Investigating Officer as LW-4 filed the final report and the said cognizance order of the learned Magistrate is the subject matter is the impugment in these criminal petitions.

3. Notice sent to the second respondent/defacto complainant returned as un-claimed and left is the submission in both these

petitions, taken as heard and heard the counsel for the petitioners and the learned Public Prosecutor representing the State, perused the FIR and charge-sheet and Part-II Case Diary and the grounds urged in these quash petitions.

4. Either from the FIR or the statement of the victim/LW-1 recorded by the Police on 29-01-2017, no-way mentions any specific overt act so far as against A-2 and A-3; mother-in-law and sister-in-law of the defacto complainant concerned but for a stray allegation in the two pages statement at Page No.2, line Nos.4 and 5 of the husband's mother and sister also for additional dowry troubling. There is no further mention as to when they demanded, where they demanded, what amount they demanded, if any, which are the pre-requisites even from the Police final report to take cognizance, leave about for framing of charges from the very wording of Section 212 of Cr.P.C., but the same is lacking. The filing of the final report and taking cognizance against A-2 and A-3 per se unsustainable but for sustainable allegation so far as A-1 in rightly taken cognizance though not given detailed reasons, which are not even required from the Police final report as per the latest expression of the Apex Court.

5. Having regard to the above and in the result while dismissing Criminal Petition No.64 of 2019, Criminal Petition No.31 of 2019 is allowed by quashing the proceedings in C.C.No. 222 of

2018 so far as A-2 and A-3. Bail bonds stands cancelled and they are acquitted.

5. As a sequel, miscellaneous petitions pending, if any, in the criminal petitions shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO.

22/02/2019
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HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No. 31 OF 2019

[RESULT : ALLOWED IN RESPECT OF A2 AND A3]

AND

CRIMINAL PETITION No. 64 OF 2019

[RESULT : DISMISSED IN RESPECT OF A-1]

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