

HON'BLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.12880 of 2018

ORDER :

This Criminal Petition is filed under Section 482 of the Code of the Criminal Procedure, 1973, seeking to quash the proceedings in C.C.No.33 of 2018 on the file of the Special Judl. First Class Magistrate for Prohibition and Excise Cases, Warangal.

2. The case of the prosecution is that the marriage of the 2nd respondent with the 1st petitioner-A1 was solemnized on 12.12.2014 at Mahalakshmi Garden, Bollikunta Cross, Warangal. On demand of the petitioners, the parents of the 2nd respondent gave cash of Rs.51 lakhs, 80 tulas of gold and Rs.5 lakhs towards Adapaduchu Katnam apart from other articles worth Rs.5 lakhs. Thereafter, the petitioners looked after the 2nd respondent happily for 20 days. Later, they harassed the 2nd respondent both physically and mentally for additional dowry. It is further alleged that A1 is having illicit intimacy with a woman at London. The petitioners demanded Rs.5 lakhs to send the 2nd respondent to U.K. During the stay of A1 in India from 18.12.2015 to 28.12.2015, all the petitioners harassed the 2nd respondent both physically and mentally and beat her and thereafter, A1 left London without informing the 2nd respondent on 29.12.2015. After receipt of VISA, the 2nd respondent went to London on 12.1.2016 and joined A1. When the 2nd respondent objected A1 for his illicit intimacy with another lady, A1 beat her. When she gave a

report to Police at London, they warned A1. The 2nd respondent was sent to India on 17.2.2016 to bring additional dowry. It is further alleged that when the 2nd respondent went to her in-laws house on 17.2.2016, they abused her in filthy language. Basing on the complaint of the 2nd respondent, police registered the case for the offences punishable under Sections 498-A, 323 and 506 IPC and 3 and 4 of Dowry Prohibition Act, 1961.

3. Learned counsel for the petitioners submits that the petitioners are innocent persons and they were falsely implicated in this case. They have not committed any offence as alleged. He further submits that during the stay of 2nd respondent at London, she created many problems to her husband. As the matter was reported to elders, they advised to take divorce as the 2nd respondent was not liking to lead marital life. He further submits that 2nd respondent also filed DVC No.8 of 2016 on the file of I Addl. Judl. Magistrate of I Class, Warangal, but on the advice of elders, the said DVC was withdrawn. He further submits that the 2nd respondent filed FCOP 56 of 2017 seeking divorce on mutual consent and the same was decreed on 13.08.2017. He further submits that as per compromise, the 2nd respondent received Rs.22 lakhs. He further submits that the 2nd respondent married another person and blessed with a son and they are living at Hyderabad. He further submits that even if the allegations made in the complaint are taken to be as true and correct, no

case is made out against the petitioners and hence, he prays to quash the proceedings.

4. Learned Additional Public Prosecutor submits that the allegations made in the complaint constitute the offences alleged to have been committed by the petitioners and hence, there are no grounds to quash the proceedings.

5. The record *prima facie* reveals that A1 is the husband and A2 and A3 are in-laws of the 2nd respondent. The record further reveals that 2nd respondent filed DVC No. 8 of 2016 before the I Addl. Judl. Magistrate of I Class, Warangal, and the same was dismissed as not pressed, vide docket order, dated 26.08.2016. It is further evident from the record that A1 and 2nd respondent filed FCOP No.56 of 2017 on the file of Judge, Family Court, Waragal for dissolution of marriage under mutual consent and the same was allowed granting decree of divorce dissolving the marriage between A1 and the 2nd respondent, dated 12.12.2014 under mutual consent. Further, it is not uncommon to rope the husband and in-laws in criminal cases more particularly the cases registered under Section 498-A IPC.

6. In view of the above facts and circumstances, if the proceedings are allowed to continue, no purpose would be served. *Prima facie*, there are no grounds to proceed against the petitioners. Therefore, continuation of proceedings against the petitioners is nothing but abuse of process of law. Hence, the proceedings are liable to be quashed.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners-A1 to A3 in C.C.No.33 of 2018 on the file of the Special Judl. First Class Magistrate for Prohibition and Excise Cases, Warangal. Miscellaneous petitions, if any pending shall stand closed.

JUSTICE G. SRI DEVI

DATED: 19.09-2019.

Hsd



