

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.13171 of 2018

ORDER :

The petitioners are A.2 to A.5 among five accused including A.1-husband of the 1st respondent-*de facto* complainant in Crime No.315 of 2018 of Falaknama Police Station, Hyderabad City, registered for the offences punishable under Sections 498-A, 406, 323 and 506 IPC, dated 25.11.2018. They are seeking to quash the F.I.R. registered and pending against them under investigation.

2. The contentions are that A.2 is mother-in-law of the *de facto* complainant, A.3 daughter of A.2, A.4 relative of A.1, A.5 also relative of A.1. The marriage of A.1 and *de facto* complainant was performed 23 years back and in their wedlock they blessed with a son aged 20 years. The contentions in the quash petition as if A.1 and A.5 quarreled with the brother of the *de facto* complainant and her son and A.1 threatened to kill everybody with knife are untrue and all through for the past 23 years there are no any worth disputes between the couple and the allegation is engineered more than two decades of marital life only to harass the accused persons and the allegations of A.1 harassing her to transfer the house in her name at the instigation of others is also untrue, for there is no proof of house stands in her name. A.2 sister of A.1, wife of one Habeeb Shareef, is residing away to them and resident of Charminar area, Hyderabad, and she never interfered with the marital life of A.1 and the *de facto* complainant. A.3 mother of A.1 is aged about 72 years. A.4 is also a senior citizen,

resident of Charminar area and A.5 is also resident of Charminar area, they are roped because they happened to be relatives of A.1 and there is no any offence made out to register the crime against them and the proceedings are thereby liable to be quashed.

3. Learned counsel for the petitioners/A.2 to A.5 reiterated the same.

4. Notice sent to the 1st respondent- *de facto* complainant returned as unclaimed is a sufficient service.

5. Learned Public Prosecutor opposed the quash petition saying the F.I.R. at nasal stage, there is nothing to interfere and it is a matter to be investigated, hence to dismiss the quash petition.

6. A perusal of the F.I.R. in setting the law in motion by the *de facto* complainant for registration of the crime on 25.11.2018 reads that her marriage with A.1 performed 23 years back arranged by elders and in their wedlock they blessed with a male child now aged 20 years major. Her husband in the recent past demanding and harassing by raising disputes to transfer the house property from her name into his name and for that her mother-in-law besides other accused, who are relatives of him, were supporting and threatening her. While so, on that day at about 11.30 a.m. her husband raised a dispute and beat her with hands including on her face to meet the demand of giving of house rent to him and the house papers to him and she sustained injury to her left eye and when her son came to her rescue he was also beaten by him and she informed the same to her

brother over phone and he came and he was also beaten by her husband and the other accused also raised a dispute, her husband was threatening to kill by showing the knife and thereby to take action for other accused supporting him.

7. The main allegation is against A.1. A.2 is the sister of A.1, aged about 58 years not even at same residence with A.1 and *de facto* complainant at Falaknama, Yetru Colony. A.3 is aged about 72 years, old woman, no other than the mother-in-law of the *de facto* complainant, at Jahanuma area and there are no any specific allegations against A.4 and A.5 even.

8. Having regard to the above, the continuation of the crime against A.2 to A.5 no ways sustains and liable to be quashed, but for to continue against A.1. However, it will not prevent in the event of investigation on completion discloses any of their role to array.

9. Accordingly, the criminal petition is allowed and the proceedings against the petitioners/A.2 to A.5 concerned in Crime No.315 of 2018 of Falaknama Police Station, Hyderabad City, are quashed and they are acquitted. The bail bonds of the petitioners/A.2 to A.5, if any, shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt:21-01-2019

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