

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.758 of 2020

ORDER:

This Criminal Petition is filed seeking quashment of proceedings in C.C.No.532 of 2016 on the file of learned VI Metropolitan Magistrate at Medchal, Cyderbabad, against the petitioners/Accused No.1 to 4 for the offence under Sections 498 (A) Indian Penal Code, Section 3, 4 and 6 of Dowry Prohibition Act.

02. Heard Sri Shaik Karimulla, learned counsel for the petitioners as well as Sri S.Ganesh, learned Assistant Public Prosecutor representing respondent No.1/State. No representation on behalf of respondent No.2. Perused the record.

03. As per the contents of the charge sheet, respondent No.2/defacto-complainant married petitioner/Accused No.1 on 31.05.2013. Subsequently, petitioners/Accused No.1 to 4 have allegedly started to harass respondent No.2/defacto-complainant, due to which she filed complaint on 19.01.2016. Later, petitioner/Accused No.1 has given

divorce to respondent No.2/defacto-complainant and the divorce certificate was also issued by the Andhra Pradesh State Waqf Board on 10.02.2016.

04. On perusal of the entire charge sheet, it is clear that there are certain allegations levelled against the petitioners/Accused No.1 to 4 by respondent No.2/defacto-complainant. Learned counsel for the petitioners has submitted that the contents of the complaint and statements of witnesses recorded under Section 161 Criminal Procedure Code are false and that the respondent No.2/de-facto complainant never stayed with the petitioners/Accused and therefore, sought for quashing the charge sheet.

05. Considering the facts and circumstances explained, there are number of factual issues alleged by respondent No.2/defacto-complainant which are being disputed by the petitioners/Accused No.1 to 4. This Court is of the opinion that at this stage, in this petition which is filed under Section 498-A IPC, this Court cannot conduct mini trial to give a finding as to which of the versions is incorrect.

06. Considering the circumstances explained by the learned counsel for the petitioners and the learned Assistant Public Prosecutor, this Criminal Petition is disposed of with a direction to the trial Court to dispose of the case as expeditiously as possible. The presence of the petitioners/accused No.1 to 4 is dispensed with before the trial Court. However, the trial Court is at liberty to call for the presence of the petitioners/accused No.1 to 4 as and when required for the prosecution of the trial.

07. Accordingly, this Criminal Petition is disposed of. There shall be no order as to costs.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 24-Nov-2022
TMK

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