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HON'BLE SRI JUSTICE SAMUDRALA GOVINDARAJULU

CRIMINAL PETITION No.2523 of 2010

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ORDER:

The petitioners 1 to 3/A.1 to A.3 are accused of offence punishable under Section 498-A IPC. A.2 and A.3 are parents of A.1 who is husband of the 1st respondent/*de facto* complainant. It is contended by the Senior Counsel for the petitioners that after institution of the case, A.1 was granted divorce from the 1st respondent by the Family Court, Hyderabad in O.P.No.601 of 2008 and that now the 1st respondent married another person and as per the information to the petitioners, the 1st respondent is carrying pregnancy through her present husband. Subsequent events of obtaining divorce and the *de facto* complainant marrying another person may not have any bearing on the decision in this crime. Those subsequent events do not absolve any of the petitioners from liability for the alleged acts which were committed prior to grant of divorce.

2. It is further contended for the petitioners that on reading of detailed FIR given by the 1st respondent, allegations touching the offence under Section 498-A IPC were made against A.1 only and that there are no specific allegations against A.2 and A.3 except an omnibus allegation of A.2 and A.3 supporting A.1. It is alleged that when

she questioned A.1 as to why he was coming to the house in drunken state A.1 was beating her and that A.2 and A.3 used to support A.1. The allegation of demanding Rs.50,000/- is against A.1 only. It is alleged that on 08.02.2004 A.1 and A.3 beat her severely and necked her out of the family house. The said incident is not coupled with any demand for additional dowry. Subsequently on 28.06.2004 A.1 brought back the 1st respondent from her parents' house. Even during the alleged incident on 12.05.2006, it was A.1 alone who is said to have asked the 1st respondent to bring money from her parents. The general allegation against A.2 and A.3 is that they were supporting A.1. There is absolutely no allegation against A.2 and A.3 that any of them demanded any additional dowry and subjected the 1st respondent to cruelty. As they happened to be parents of A.1, giving moral support to A.1 cannot be taken as participation of them in the offence which is said to have been perpetrated by A.1 against the 1st respondent. In that view of the matter, I am of the opinion that continuation of this criminal case against A.2 and A.3 becomes nothing but abuse of process of law.

3. In the result, the Criminal Petition is partly dismissed insofar as the 1st petitioner/A.1 is concerned; and the Criminal Petition is partly allowed quashing proceedings in C.C.No.358 of 2006 on the file of Judicial Magistrate of the First Class, Kodad insofar as the petitioners 2 and 3/A.2 and A.3 are concerned.

SAMUDRALA GOVINDARAJULU,J

Dt. 30th December, 2011.

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