

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: CrI.P. No.5922 of 2021

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
1.	29.10.2021	<u>CMR, J</u> <u>I.A.No.1 of 2021</u> Dispensed with for the present. <u>CMR, J</u> <u>CrI.P. No.5922 of 2021</u> Learned Additional Public Prosecutor takes notice for the 1st respondent/State and requests time to obtain instructions. Issue notice to the 2nd respondent returnable in four (4) weeks. <u>CMR, J</u> <u>I.A.No.2 of 2021</u> The petitioners are A-2 and A-3 in Crime No.343 of 2021 of Vinukonda Town Police Station, Guntur District. A case under Section 498A IPC and under Sections 3 and 4 of the Dowry Prohibition Act, 1961, was registered against them. The petitioners are parents of A-1, who is the husband of the <i>de facto</i> complainant. They sought quash of F.I.R primarily on the ground that the husband of the <i>de facto</i> complainant, who is A-1, has filed a petition for restitution of conjugal rights long back in the year 2019 in HMOP No.77 of 2019 on the file of the learned Senior Civil Judge, Narasaraopet, as the <i>de facto</i> complainant left his company voluntarily without any reasonable cause and excuse and it shows that they are not living	

		together as on date of filing the F.I.R on 14.09.2021 and even long prior to lodging of the said F.I.R. The petitioners have also produced the copy of the petition in HMOP No.77 of 2019, which <i>prima facie</i> shows that it was filed on 01.04.2019 on the ground that the <i>de facto</i> complainant left the company of her husband prior to filing of the said petition. Therefore, this throws any amount of doubt on the genuineness of the allegations set out in the F.I.R which was subsequently lodged in the year 2021. So, the petitioners could make out a strong <i>prima facie</i> case to examine in the main Criminal Petition whether launching of criminal prosecution against the petitioners in the given facts and circumstances of the case amounts to abuse of process of Court or not and whether the F.I.R registered against them is liable to be quashed or not. Therefore, in the said facts and circumstances of the case, there shall be a direction to the Investigating Officer not to take any coercive steps including arrest against the petitioners, till the next date of hearing. However, the investigation shall go on to find out the truth or otherwise of the allegations. CMR, J AKN	
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