

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.13101 of 2014

ORDER:

In this petition, filed under Section 482 Cr.P.C., the petitioner/A4 seeks to quash the proceedings in CC.No.220 of 2014.

Heard both sides.

2) A1 is the husband of complainant, A2 is the mother and A3 is the brother of A1 and A4 is the sister of A2. On the report lodged by de-facto complainant the police of Mahila Police Station, Tirupati registered Cr.No.66 of 2013 and investigated into the matter and laid charge sheet against Accused 1 to 4 for the offences under Section 498A, 323, 324 r/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act and learned IV Additional Judicial Magistrate of First Class, Tirupati took cognizance and registered as C.C.No.220 of 2014.

3) The submission of learned counsel for petitioner/A4 is that petitioner is the distant relative of A1 and she has nothing to do with the family issues between A1 and complainant and there is no specific allegation against the petitioner either in the charge sheet or in the statements of the witnesses and that petitioner is residing at Visakhapatnam and complainant, A1 and A2 are residing at Bangalore and she has nothing to do with their family affairs. He further argued that the allegations against the petitioner/A4 are vague and in such a case continuation of proceedings against her would amount to abuse of process of

law. On this aspect he relied upon the following decisions.

1. *Kailash Chandra Agarwal vs. State of UP*^[1]

2. *Neelu Chopra vs. Bharti*^[2]

Thus he prayed to quash the proceedings.

4) Learned Public Prosecutor opposed the petition and submitted that there are specific allegations against the petitioner and hence proceedings may not be quashed.

5) A perusal of charge sheet allegations would show that on earlier occasion A1 to A3 who are the husband, mother-in-law and brother-in-law of the de-facto complainant harassed her. So far as the role of A4 who is the aunt of A1 is concerned, the charge sheet allegation is that when the de-facto complainant and her little son were at her parental home at Tirupati, A1 and A2 went there on 12.10.2013 and asked her to go along with them to Visakhapatnam to attend the wedding of his uncle G.Gurumurthy Reddy. Not believing their words, complainant's mother—A.Parijatham (LW3) also followed them to Visakhapatnam. When the marriage was going on A1 to A3 harassed and beat her indiscriminately demanding her and her mother to execute registered sale deed or GPA in respect of the properties at Tirupati. Unable to tolerate their harassment de-facto complainant and her mother ran out of the room adjacent to marriage function hall and with the help of the driver of J.Ramana Reddy, they went to Gurumurthy Reddy's residence. When they were sitting at Gurumurthy's house at about 1.30 AM, A1 to A3 and also A4 went there and attacked the de-facto complainant

and her mother and beat them indiscriminately again on the demand to execute GPA or sale deed in their favour. The de-facto complainant and her mother escaped from them by leaving the small baby and went to Gajuwaka Newport PS and lodged the complaint and police saved her and brought her child and handed over but did not return the gold worth Rs.10 lakhs. Later the de-facto complainant went to ENT hospital in the morning due to severe bleeding injuries sustained by her in the hands of accused and got treatment. A perusal of statements of de-facto complainant and her mother (LW3) confirms the charge sheet allegations.

6) In view of the specific overt acts attributed against not only A1 to A3 but also petitioner/A4, it cannot be said that charge sheet allegations are vague and flimsy to hold that A4 who is a distant relation is unnecessarily roped in the case. Therefore, the petitioner does not deserve quashment of proceedings. However, considering the fact that petitioner/A4 is a middle aged woman, her appearance before the trial Court is dispensed with.

7) In the result, this Criminal Petition is dismissed with the observation that attendance of petitioner/A4 in C.C.No.220 of 2014 on the file of IV Additional Judicial Magistrate of First Class, Tirupati is dispensed with except on the occasions when the trial Court requires her presence.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 18.02.2015

Murthy

[\[1\]](#) Unreported judgment of the Apex Court in Crl.A.No.2055 of 2014 dt.16.09.2014

[\[2\]](#) (2009) 10 SCC 184