

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No.2595 of 2015

Order:

The instant Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') requesting to quash the FIR in Crime No.141 of 2014 of Women PS, Saroornagar, Cyberabad, so far as the petitioners/A2 to A5 are concerned, who alleged to have committed the offences punishable under Sections 498-A, 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The petitioners are *inter se* related. They are the parents-in-law and sisters-in-law, respectively, of the complainant, who is the second respondent herein.

3. The allegations levelled by the second respondent are to the effect that she was married to the first accused, K. Sandeep, who is not a petitioner herein, on 30.04.2012. Later, their marriage was consummated and a female child was born on 05.03.2013. It is alleged that the petitioners herein instigated the first accused to demand additional dowry from her parents and she was forced to leave the house in the month of May 2014 apprehending danger to her life. It is also alleged that on 01.08.2014, goondas were sent to her parents house, who threatened her to provide additional dowry or to give divorce and when she approached the concerned police, they refused to receive the complaint. It is alleged that even the first accused lodged a complaint on 30.07.2014 against the complainant and her parents alleging that the complainant and her parents beat him.

4. The petitioners stand is that the petitioners 3 and 4 were residing separately with their husbands in different places and, thus, they are not even residing in the house of the first petitioner and only intending to drag the families of the petitioners 3 and 4 and to harass them and, thereby, to mend the first accused, they are falsely

implicated as accused by the second respondent – complainant. It is also their stand that it is nowhere mentioned in the complaint that the third and fourth petitioners have been residing in the same house and the continuation of criminal proceedings against them would amount to miscarriage of justice.

5. Heard Sri B. Chinnapa Reddy, learned counsel for the petitioners, and the learned Assistant Public Prosecutor for the State.

6. The offences alleged against the petitioners and the first accused – husband of the second respondent are punishable under Sections 498-A and 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act, 1961. The submission of the learned counsel for the petitioners is that the complaint is totally silent as to the third and fourth petitioners residing with the other petitioners and, in fact, the addresses shown in the cause title of the complaint itself would reveal that they were living in different localities and, in fact, they were married earlier to the marriage between the second respondent and the first accused and, therefore, the question of the third and fourth petitioners harassing the complainant does not at all arise and, therefore, sought to quash the FIR at least to the extent of third and fourth petitioners.

7. Learned Assistant Public Prosecutor opposed the request contending that the allegations mentioned in paragraphs '10' and '11' of the complaint would clearly bring out *prima facie* material even at this stage as to the involvement of the third and fourth petitioners who are the fourth and fifth accused respectively.

8. Perused the material on record. A perusal of the complaint averments would show that, after the complainant has given birth to a female child, there appears to have been demand for additional dowry of Rs.2,00,000/- which was not met with by the complainant and her parents and the allegations mentioned in paragraphs '10' and '11' of the complaint would show that the third and fourth petitioners joined the other petitioners and the first accused in demanding additional dowry on the threat that if she gives birth to a female child, it would be expensive to bring up the female child. There were other allegations also in paragraph '11' touching the alleged complicity

of the petitioners including the third and fourth petitioners.

9. It is no doubt true, the learned counsel for the petitioners submits that the very averment that they have sent goondas to the house of the complainant threatening to give additional dowry or otherwise to give divorce and that the first accused can marry another girl, would expose the falsity of the allegations levelled against the petitioners, more particularly, against the third and fourth petitioners. The submissions of the learned counsel for the petitioners are based on probabilities and the probabilities can only be derived or inferred from the proved facts and, in that view of the matter, unless the investigation is completed to bring out the material touching the complicity of the petitioners herein, more particularly, it is difficult, at this stage, to view that it is a false complaint and the allegations are false even the third and fourth petitioners are concerned, in the presence of the allegations levelled in paragraphs '10' and '11' of the complaint as narrated above. Therefore, it is not a fit case to quash the FIR.

10. Accordingly, the Criminal Petition is dismissed.

11. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 09.04.2015

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