

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3382 of 2013

ORDER:

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1. This Criminal Petition is filed by the petitioners-A1 to A4 seeking to quash the proceedings against them in C.C.No.1081 of 2012 on the file of the X Metropolitan Magistrate, Malkajgiri, Ranga Reddy District, registered for the offence punishable under Sections 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act.

2. The case of the prosecution is as follows:

On 13.8.2012 the 2nd respondent gave a written complaint stating that her marriage was solemnized on 21.10.2009 with the 1st petitioner in the presence of village elders at Balaji function hall, Malakjgiri. At the time of marriage, her parents gave 15 lakhs cash, 20 tulas of gold, Hero Honda Splendor and house hold articles as dowry. After marriage, she joined her husband and stayed at Vasanthapuri colony, Malakjgiri and lived happily for six months. Thereafter, her husband started harassing her mentally and physically alleging that she was not blessed with any child. Her in laws and brother in law used to say illusion words to her husband over cell phone and harass her. When her in laws came to her house, they demanded for additional dowry and harassed her both mentally and physically. In the month of June, her mother-in-law and father-in-law came to her house and quarrelled with her and went away along with her husband and since then her husband is staying at her in laws' house only. On 12.8.2012 the petitioners came to her house and abused in filthy language and beat her and her father stating that she was not blessed even with one child and when she brings additional dowry, then only the 1st petitioner continues the conjugal life with her. They took away all the households from the complainant's house in an auto.

3. Heard and perused the material available on record.

4. It is the case of the 2nd respondent that the petitioners subjected her to

harassment and they used to demand additional dowry whereas it is the case of the petitioners that there are no specific allegations against them and they are falsely implicated in the above crime and that petitioners 2 and 3 are residents of Gadwal and the 4th petitioner is a married person and he is leading his marital life.

5. The fact that remains undisputed is that the marriage of the 1st petitioner with the 2nd respondent took place in the year 2009 in Balaji Function Hall, Malakjgiri and after the marriage, both of them lived in Nandyal, Kurnool District for the reason that the petitioner No.1 happened to do a private job till December, 2009. Subsequently, he got job at Balanagar, Mahaboobnagar District as an Agricultural Extension Officer and on promotion he was transferred to Wanaparthy in the year 2010. From this, it is evident that the 1st petitioner and the 2nd respondent used to live separately whereas petitioners 2 to 4 have been residing in Gadwal, Mahaboobnagar District. The allegations made against petitioners 2 to 4 are vague in nature. In the light of the above existing facts, the allegations made by the 2nd respondent against petitioners 2 to 4 do not show any prima facie case to proceed with the trial against them. Therefore, the proceedings against petitioners 2 to 4 can be quashed.

6. Most of the allegations are made against the 1st petitioner, who is the none other than the husband of the 2nd respondent and the truth of otherwise of such allegations can only be adjudicated after conducting a trial before the trial Court. Therefore, this Court is not inclined to entertain the claim made by the 1st petitioner in this regard.

7. Accordingly, the Criminal Petition is partly allowed quashing the proceedings against petitioners 2 to 4 in C.C.No.1081 of 2012 on the file of X Metropolitan Magistrate, Malkajgiri, Ranga Reddy District. The trial Court shall proceed with the trial in the above C.C. against the 1st petitioner. However, the presence of the 1st petitioner before the trial Court is dispensed with except on the dates when his presence is insisted by the trial Court. Miscellaneous petitions pending, if any in this petition, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 22.9.2015

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