

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

For the State of Telangana and the State of Andhra Pradesh

MAIN CASE NO: CRL.P.No.No.510 OF 2011

Between:

K.Mohana Chary and others

.. Petitioner(s)

And

Kammari Srinivasulu

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

- | | |
|---|--------|
| 1. Whether Reporters of Local news papers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.510 of 2011

ORDER:-

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.59 OF 2011 on the file of the Jeedimetla Police Station, Cyberabad, registered for the offences punishable under Sections 340, 361 and 376 IPC and Sections 4, 5 and 6 of the Child Marriage Restraint Act.

2. The 1st respondent, originally, filed a private complaint before the Judicial Magistrate of First Class, Kurnool, and the same was referred under Section 156(3) Cr.P.C for investigation to II Town Police Station, Kurnool, which was registered as a case in Crime No.133 of 2010. Subsequently, the said crime was transferred to Jeedimetla Police Station on the point of jurisdiction and, accordingly, the crime was registered afresh as Crime No.59 of 2011.

3. The case of the 1st respondent/complainant is that the petitioners/A1 to A4 are his close relations. He had a daughter by name Kammari Surekha, aged 17 years, who was studying second year intermediate at Kurnool. The 1st petitioner/A1 frequently used to visit the house of the complainant. On 06.05.2009, on being called the victim girl by A1, she came down to Hyderabad and met the 1st petitioner/A1 and that they stayed in a room and at that time A1 committed rape on her. Thereafter, with the help of other petitioners/A2 to A4, the 1st petitioner/A1 married the victim girl in a temple at Golkonda Area. Subsequently, they went to several places and ultimately the elders held panchayat and accepted their marriage and also arranged reception. Thereafter, the 1st respondent filed a complaint alleging that they lived together for a period of one month in a quarter at Golkonda but, thereafter, the 1st petitioner/A1 started harassing her daughter demanding additional dowry of Rs.10,000/- and a motor cycle.

4. Learned counsel appearing for the petitioner/accused submitted that a bare reading of the complaint shows that absolutely no allegations whatsoever are made against petitioners 2 to 4/A2 to A4 and even in so

far as the 1st petitioner/A1 is concerned, the alleged offence that will attract against him is only for subjecting his wife to cruelty.

5. On a perusal of the record, there is no whisper in the complaint as to the involvement of the petitioners/A2 to A4 in the case and, therefore, continuation of proceedings against petitioners 2 to 4/A.2 to A.4 amounts to abuse of process of Court and the same are liable to be quashed against petitioners 2 to 4/A2 to A4.

6. In the result, Criminal Petition is partly allowed quashing the proceedings in Crime No.59 OF 2011 on the file of the Jeedimetla Police Station, Cyberabad, insofar as petitioners 2 to 4/A.2 to A4 are concerned. The criminal petition in respect of petitioner.A1 is dismissed.

7. Miscellaneous petitions, if any, pending in this Criminal petition shall stand closed.

M.S.K.Jaiswal, J

23rd July, 2015

Kvrm

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.510 of 2011

DATED: 23.07.2015

kvrn