

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2647 of 2015

ORDER:

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C.No.66 of 2015 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam.

Second respondent is the complainant, who is the daughter-in-law of the petitioners herein. The petitioners are arraigned as accused Nos.2 and 3. The husband is arraigned as accused No.1 but, he has not joined the petitioners herein.

Facts, that can be gathered from the material placed on record, are that the second respondent was married to the son of the petitioners, viz. Sri Sabbathi Srinivas, in 2005, and cash and articles were given in marriage, including gold and jewellery. The elder sister and sister-in-law of her husband convinced her mother that the said Sabbathi Srinivas (A.1) was likely to get the post of Junior Civil Judge as he was selected to the said post and, thus, their marriage was performed. Her husband did not get any job and there was no income and, for six months, they were maintained by her parents and, thereafter, they started residing in their parents house in Pedawaltair leading marital life. The second respondent also mentioned certain instances that took place between her husband and herself. The allegations levelled against her husband, and petitioners, who are accused Nos.2 and 3, as seen from the complaint, relate to the petitioners, joined with accused No.1, in demanding her to get additional dowry of Rs.2.00 lakhs to clear the debts owed by them and that she was subjected to harassment. There are other details contained in the complaint.

Learned counsel for the petitioners submits that no allegation is levelled against the petitioners herein except that on the direction of causing cruelty to the complainant/second respondent herein and, therefore, to quash the proceedings in the Calendar Case mentioned above.

Learned Public Prosecutor opposed the petition.

Perused the material on record. The cognizance was already taken by the learned Magistrate in C.C.No.66 of 2015. There are specific allegations levelled by the complainant against the petitioners herein. It is no doubt true, that the petitioners placed reliance on a decision of the Hon'ble Supreme Court in Preeti Gupta v. State of Jharkhand in support of his submission that the first information report was quashed against the parents-in-law, but the facts would reveal in the said decision that there was no exchange of visits between the complainant and her in-laws. It is forthcoming that they reside in different states. Thus, the fact situation is not alike, as stated by the learned counsel for the petitioners. In the face of specific allegation, whether the said allegation is true or otherwise can only be examined after full-fledged trial. At this stage, it is difficult to construe that there is nothing alleged to connect the petitioners herein with their complicity in the commission of offences alleged against them. Hence the Criminal Petition is dismissed.

Learned counsel for the petitioners lastly asks to dispense with the presence of the petitioners. Since the second petitioner is a senior citizen, and first petitioner is aged 55 years, their presence is dispensed with, but they shall appear before the learned Magistrate as and when directed by the learned Magistrate.

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

A. SHANKAR NARAYANA, J

Date:08.04.2015

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