

**HON'BLE SRI JUSTICE RAJA ELANGO**

**Criminal Petition No.4847 of 2013**

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**ORDER :**

The petitioners who are accused Nos.2 to 4 in P.R.C.No.19 of 2013 on the file of Additional Judicial First Class Magistrate, Markapur, registered for the offences punishable under Sections 498-A, 506, 307 r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act, filed this petition under Section 482 of Cr.P.C., seeking to quash the proceedings against them.

Petitioners 1 and 2 herein are brothers-in-law and petitioner No.3 is the sister-in-law of the first respondent herein. The allegations against them in the complaint are that after the marriage of first respondent-complainant with A.1, the petitioners herein being his family members harassed her for additional dowry amount of Rs.30.00 lakhs. On an occasion, when the parents of de facto complainant expressed their inability to meet the demand of additional dowry, the petitioners herein along with A.1 harassed her and threatened them with dire consequences.

Learned counsel appearing for the petitioners contends that no specific allegations were made against the petitioners to attract the ingredients of the offences alleged in the complaint. He further contends that the petitioners are no way concerned with the marital life of the first respondent with A1 and as such, continuance of proceedings against the petitioners is nothing but abuse of process of law.

Admittedly, it is a case of 307 IPC and also for an offence under Section 498-A IPC apart from Sections 3 and 4 of dowry prohibition

Act. The petitioners before this Court are brothers-in-law and sister-in-law of the complainant. The main allegations made by the complainant in the complaint as well as in her 161 Cr.P.C. statement before the police are against her husband-A.1 in all aspects. As far as these petitioners are concerned, the allegation by the complainant in her statement is as follows:

“both my brothers-in-law and their wives also used to harass me to get additional dowry when they used to meet me during functions and festivals.”

In the complaint, she also stated as follows:

“In the meanwhile, on 23.03.2012 at about 9.30 am, when I was in my parents’ house, my husband, his two brothers and their wives came to my parents’ house and demanded Rs.30,00,000/- to set up a business at Hyderabad. I did not agree to the same, and in a fit of rage, my husband went into the kitchen and got a knife and tried to stab me. But, my parents stopped him from doing so.”

Except the above two allegations, there is nothing on record to connect the petitioners herein with the crime. Thus as far as petitioner No.3 is concerned, absolutely, there is nothing on record or even in 161 Cr.P.C. statement of complainant about any of the acts committed by her. As far as petitioners 1 and 2 are concerned, except the vague allegation that they have also harassed along with A.1 and that they came to her parents’ house on 23.3.2012 and demanded a sum of Rs.30.00 lakhs to put up a business at Hyderabad, no specific overt acts or allegations are attributed against them. Admittedly, the petitioners herein are staying at Hyderabad ever since after their marriage. Whereas, the de facto complainant is residing at Prakasam District. In view of the above, this Court is of the view that the allegations made by the de facto complainant even remotely do not connect the petitioners with the offences alleged against them. Hence, the impugned proceedings as against the petitioners herein are liable to be set aside.

In the result, the Criminal Petition is allowed.

Pending Miscellaneous Petitions, if any, shall stand closed.

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JUSTICE RAJA ELANGO

30<sup>th</sup> September, 2015

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