

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.3028 of 2015

ORDER:

The petitioners herein are mother-in-law, sister-in-law, and husband of the sister-in-law of the second respondent, who is the complainant herein. They laid the instant petition, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C.No.11 of 2015 on the file of I Additional Judicial Magistrate of First Class, Proddatur, for the offences punishable under Sections 420, 498-A and 506 IPC read with 34 IPC and Section 4 of the Dowry Prohibition Act. The husband of the first petitioner is not made a party to the present petition.

The allegations are that, all the three petitioners, along with the husband of the complainant, subjected her to unabated harassment; that there was also misrepresentation, prior to alliance being fixed, to the effect that the first accused was employed at Hyderabad and, after marriage, it was found that he was not employed; that, on the other hand, she was made to resign job in ICICI Life Insurance Company; that when she questioned as to why there was misrepresentation that he was employed, he used to beat and subject her to harassment having drunk; and, thereafter, started harassing demanding for Rs.10.00 lakhs. The petitioners herein also joined hands with the husband of the complainant and, as far as instances, referred to in the original complaint filed by the second respondent, are, in fact, made to the extent of killing her and, thus, there are specific allegations against the petitioners herein.

Learned counsel for the petitioners submits that, no specific allegations have been mentioned in the complaint, and, in fact, the first petitioner resides in Kadiri of Kadapa District, whereas respondent Nos.2 and 3 reside in Proddatur of Kadapa District and, thus, there was no chance for petitioner Nos.2 and 3 to

interfere with the family affairs of the second respondent – complainant and her husband; that they are falsely implicated for the reason that the first petitioner has filed complaint against the second respondent when she was attacked in an elders panchayat, convened at the instance of her parents; that, as a counter blast, the instant complaint was filed; and, therefore, sought to quash the present complaint. Learned counsel for the petitioners relied on a decision of the Hon'ble Supreme Court in Preeti Gupta v. State of Jharkhand.

Learned Additional Public Prosecutor appearing for the State of Andhra Pradesh opposed the request by drawing the attention of this Court to the allegations levelled against the petitioners herein which are mentioned in the charge sheet as well as in the original complaint filed by the second respondent.

The facts situation, in the decision, on which reliance is placed by the learned counsel, reflects that there were no specific allegations in the complaint against the appellants therein, who are sister-in-law and unmarried brother-in-law of the complainant, as they were residing at different places and they neither visited nor lived with the complainant and their implication in complaint was meant to harass and humiliate husband's relatives. Such is not the fact situation occurring in the instant case. In fact, there are specific allegations mentioned in the complaint which need not be adverted to as the complaint would show that, at one stage, there was even an attempt to kill her on 04.09.2014 during afternoon which details have been specifically mentioned at page '3' of the complaint. Therefore, it is not a fit case to exercise extraordinary jurisdiction for quashing the proceedings of the calendar case. Hence no abuse of process is involved.

Hence, the Criminal Petition is dismissed.

It is urged by the learned counsel for the petitioners to exempt the appearance of the petitioners during the pendency of proceedings in C.C.No.11

of 2015. Keeping in view, that petitioner Nos.2 and 3, the sister-in-law of the complainant and her husband, are residing at Proddatur of Kadapa District, their appearance is exempted in C.C.No.11 of 2015 on the file of I Additional Judicial Magistrate of First Class, Proddatur. However, they are directed to appear before the learned Magistrate as and when the learned Magistrate directs them to appear.

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

A. SHANKAR NARAYANA, J

Date:21.04.2015

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