

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CRIMINAL PETITION No.2098 of 2013

ORDER:

This petition is filed for quashing crime No.82 of 2013 on the file of Subedari Police Station, Warangal Urban.

None appears for the petitioners and there is also no representation on behalf of the petitioners when the matter is taken up.

Heard learned counsel for the 2nd respondent as well as learned Public Prosecutor.

The 2nd respondent herein lodged a complaint on 24.02.2013 with the Subedari Police Station, Warangal Urban, which is registered for the offence committed under Sections 417, 420, 324 read with 34 IPC.

The niece of Ms. Manjula, whose parents have died earlier was said to have been raised by the *de-facto* complainant. In 2012, she seems to be pursuing her final year B.Pharmacy course. Because of the intervention of Sri Kammagoni Sambaiah of Warnagal, marriage of Ms. Manjula has been proposed with the nephew of Sri Kammagoni Sambaiah by name Rajesh. Accordingly, the *de-facto* complainant interacted with the parents of the said Donikala Rajesh namely Sri Donikala Kumaraswamy and Smt. Donikala Vijaya @ Swarupa. There was an agreement for the proposal. The *de-facto* complainant appears to have paid Rs.9,00,000/- to Smt. Donikala Vijaya and accordingly, ritual has taken place on 15.12.2012. The marriage was to be performed on 06.01.2013. However, on 21.12.2012, the mother of the groom said to have called up the *de-facto* complainant and informed the *de-facto* complainant that her son Sri Rajesh, the groom, went missing as he did not like the girl. However, it is alleged that the mother of the said Rajesh seems to have demanded another Rs.4,00,000/- as dowry to convince the groom. As it turned out, the marriage has not taken place and it was called off. Therefore, at the intervention of elders, compromise talks have taken place between

both parties, where had the parents of the groom have agreed to return Rs.9,00,000/- to the *de-facto* complainant. However, they have agreed to return Rs.5,00,000/- before 28.12.2012 and the balance Rs.4,00,000/- before 27.01.2013. However, the parents of the groom have returned only Rs.5,00,000/- on 05.01.2013. It is alleged that when the balance of Rs.4,00,000/- was demanded, several people seem to have attacked the family members of the *de-facto* complainant. Hence, the complaint has been lodged. The present petition has been filed for quashing the said complaint.

Learned counsel for the 2nd respondent would point out that after both parties have agreed that the marriage has to be fixed and performed on 06.01.2013 and the wedding invitations have also got printed by the *de-facto* complainant and they were distributed amongst relatives and friends. All of a sudden, just a couple of weeks before the marriage to take place, the marriage itself has been called off and therefore, it is only appropriate that the money received by the *de-facto* complainant should be returned. The elders of the community had intervened, it was agreed that a sum of Rs.5,00,000/- will be returned immediately and the balance of Rs.4,00,000/- within a period of one month from 27.12.2012. The *de-facto* complainant has received only Rs.5,00,000/- on 05.01.2013 and the balance Rs.4,00,000/- has not been returned at all. When the *de-facto* complainant has legitimately demanded the return of the said money, the accused in the company of the others has attacked the *de-facto* complainant and his family members. Hence, the complaint has been lodged with the police.

The complaint has been read as a whole, it *prima facie* discloses the commission of the offence and hence, I do not see any warrant for quashing the said complaint at the hands of the petitioners herein.

Accordingly, this criminal petition is dismissed.

Consequently, miscellaneous petitions, if any, pending shall also stand dismissed.

15.06.2015
ska

JUSTICE NOOTY RAMAMOHANA RAO