

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2881 of 2015

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/A.1 to A.5 seek to quash the proceedings in Crime No.27 of 2015 of KPHB Colony P.S, Ranga Reddy District.

2) The *defacto* complainant is the wife of A.1. A.5 is the sister, A.3 and A.4 are parents and A.2 is the brother-in-law of A.1. On the report given by *defacto* complainant, the Police registered Crime No.27 of 2015. The allegations are that both A.1 and *defacto* complainant are Software Engineers and since after marriage on 24.04.2014, A.1 started harassing her mentally and physically and due to his inability, marriage was not consummated. The complainant was working in Wipro Company at Chennai whereas A.1 was working in IBM, Bangalore and she used to come to Bangalore on weekends with the hope that the attitude of the A.1 would change and he would treat her well but her hopes became illusive as A.1 had developed gay relationship with his friend Srinivas and distanced her. In the meanwhile, the complainant was attacked with T.B and A.1 did not support her and asked her to go to her parents house for treatment. He was always seeking for more additional dowry and other paraphernalia. The other accused also supported him. Once in the month of September, 2014, A.1 poured Hit pesticide into her mouth with an intent to kill her and on her raising shouts, her parents came and admitted her in the hospital. Subsequently, on 25.11.2014, the complainant and her parents went to the house of accused and raised disputes and in that meeting other accused supported A.1 and they abused complainant as if she was proclaiming before others that A.1 was not fit for marital life.

The investigation is reported to be pending.

3) Denying the complainant allegations, learned counsel for petitioners pleaded for quashment of the proceedings on the main plank of argument that earlier the complainant filed DVC No.2 of

2015 on the file of IX Metropolitan Magistrate, Cyberabad at Miyapur, Kukatpally and both parties came to an understanding and thereby she withdrew the said DVC and she promised to withdraw the present Crime No.27 of 2015 also and that she received amount but she did not withdraw the case and the continuation of the proceedings will amount to abuse of process of law.

4) Per contra, opposing the petition learned Additional Public Prosecutor argued that the FIR and the statements of the victim and her parents would reveal the barbaric behaviour of A.1 and harassment meted out by the other accused and hence they do not deserve quashment. He argued that the proceedings cannot be quashed on the alleged ground that the complainant resiled from the earlier understanding.

5) In the light of above rival arguments, the point for determination is:

“Whether there are merits in this petition to allow?”

6) **POINT:** A perusal of the FIR and the 161 Cr.P.C statements of her parents would show a strong *prima facie* case against all the accused. Learned Additional Public Prosecutor filed discharge summary said to be issued by Remedy Hospitals, Hyderabad showing that the complainant was treated for consuming hit poison. Thus the material on record shows that the prosecution allegations are not empty-rhetoric. As rightly argued by the learned Additional Public Prosecutor, merely because the complainant resiled from the alleged memorandum of understanding, that is not a ground to quash the proceedings. In view of the strong *prima-facie* case, the investigation shall be continued to its logical end. The police are directed to complete the investigation expeditiously.

7) In the result, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 27.04.2015

SCS