

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.14395 of 2014

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ORDER :

This Criminal Petition is filed by Petitioners/Accused under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.111 of 2014, dated 03.06.2014 of Ramachandrapuram Police Station, East Godavari District registered for the offences punishable under Sections 420 read with 34 I.P.C.

2) The petitioners 1 and 2 are the accused, the 2nd respondent is the defacto-complainant. It is on the report of the 2nd respondent, the Station House Officer, Ramachandrapuram of East Godavari registered as a case in Crime No.111 of 2014 dated 03.06.2014 for the offence punishable under Sections 420 read with 34 I.P.C against the petitioners/accused. The report of the defacto-complainant supra reads that he is a senior citizen and physically challenged and he married for the first time 40 years back and blessed with two sons and his first wife died in the year 2000, that he married again the 1st accused as his sons are not taking care of him and from requirement of a companion for having wanted to marry a widow and he was consulting the marriage bureaus and in the course on 15.02.2014 he consulted one Sai Kumar of Sai Marriage Lines, Rajahmundry. Having searched on 16.02.2015 he has taken him to Sai Santhosh Marriage lines of Ramachandrapuram i.e., running by A-2 K.Padma, wife of Gangi Reddy and said Padma suggested a widow bride by name Bhagya Lakshmi, A-1 in showing her by called her and suggested that if he is inclined and like her he can marry and he ascertained her particulars and he was informed by them that said Bhagya Lakshmi, A-1 married to one person 10 years back and got a daughter of 10 years by now and her husband met with

death in an accident three years back and she also lost the parents, there is only maternal aunt of her and her age is 45 years and she is in debts of Rs.1,00,000/- and as he wanted to take her by marrying, to Chennai, he liquidated the debts and taken her along with the child of her first wedlock and as he thought it difficult to search for another marriage. Accordingly on 17.02.2014 he went to the house of Padma along with Sai Kumar and Padma, Bhagya Lakshmi brought three male persons saying they are the creditors of said Bhagya Lakshmi and he handed over Rs.1,00,000/- to them to distribute to the said creditors, having agreed to marry said Bhagya Lakshmi on 20.02.2014, the marriage venue was fixed to perform at Dwaraka Tirumala and he returned back along with Sai Kumar to Rajahmundry on that day. Again on 18.02.2014, A-1 and A-2 came to Rajahmundry to Sai Kumar where he was and there they purchased clothes for marriage purpose worth Rs.10,000/-, gold ornaments worth Rs.30,000/- and A-1 and A-2 with those left Ramachandrapuram. Later on 20.02.2014, Padma did not come, but for Bhagya Lakshmi and her daughter along with defacto-complainant and Sai Kumar to go to Dwaraka Tirumala, saying Padma was not doing well. He already paid Rs.5,000/- to Padma towards marriage arrangement consultation fees. Accordingly, he and Sai Kumar and his brother, sister-in-law who are residents of Ongole, along with Bhagya Lakshmi and daughter of Bhagya Lakshmi by name Naga Devi, went to Dwaraka Tirumala and on 20.02.2014 at 8.21 p.m the marriage was performed there by a Purohit and therefrom after marriage, they left Rajahmundry and stayed there and on 21.02.2014 along with his brother, sister-in-law and (A1) married wife, along with her daughter, left for Ongole and he stayed at his brother's house till 26.02.2014. In between on 24.02.2014 when Nagadevi was weeping being the new atmosphere and Padma came there and taken back Nagadevi with her to Ramachandrapuram. On 26.02.2014 he along with his wife (A1) Bhagya Lakshmi and brother and sister-in-law of him left Chennai to his

house at T.Nagar and while staying there in between he presented to Bhagya Lakshmi gold ornaments worth Rs.2,00,000/- and his gold chained Rudraksha of six sovereigns also given to her and on 02.03.2014 his brother and sister-in-law left for Ongole to their native place and on that day night at 7.00 p.m. when he left to bring tiffin for them, in the meantime (A-1) Bhagya Lakshmi left and even he searched, he could not find and tried to contact over phone, she did not lift and he searched in the house and found the ornaments and gold in his house were stolen by her and even on 06.02.2014 he kept in his almirah Rs.12,80,000/- which is the sale proceeds of property at Poddupakam of Chennai, out of which he found Rs.10,00,000/- missing but for only Rs.2,80,000/- was remaining in the almirah and later on 03.03.2014 he came to Rajahmundry by Coramandel express and met Sai Kumar and therefrom with Sai Kumar he went to Ramachandrapuram to said Padma (A-2) who arranged the marriage with (A-1) Bhagya Lakshmi, where said Padma A-2, misbehaved with him saying to do what he can and they intentionally deceived him by threatening saying he has to keep quiet having married at this age and being physically challenged for otherwise public will laugh on him and she also threatened to implicate him in criminal cases and he was necked out therefrom. It is thereby, with no other go, along with Sai Kumar he came from their house and he came to know later Padma and Bhagya Lakshmi are own sisters and the so called aunt of them is no other than their mother and it is their privy and nefarious plan in cheating him, hence to take action.

3) It is the said report registered as the crime supra for the offence against the two accused. The police having registered the crime, taken up investigation and the petitioners filed the quash petition now with the contentions that the police under the guise of investigation are threatening the petitioners to accept the accusation and to surrender so as to remand them to judicial custody though it is a family dispute, that the complainant is bent upon harassing the innocent

widow (A-1) Bhagya Lakshmi by taken her to Chennai under the guise of marriage and unable to bear with and with no other go, she left the matrimonial house and the alleged missing of cash of Rs.10,00,000/- or gold ornaments worth Rs.2,00,000/- are false and a story created and the 1st accused Bhagya Lakshmi unable to bear with his harassment at Chennai having come over to Ramachandrapuram to the native place, presented a report against him on 26.03.2014 and she also sent the copy of the report to the higher authorities on 27.03.2014 covered by receipts of sending and the F.I.R contents thereby are the weaved story of the defacto-complainant by twisting the facts and the 2nd accused is an innocent house woman running a marriage bureau and eaking out livelihood and is nothing to do with alleged privy and hence to quash the proceedings.

4) The 2nd respondent even served with notice, failed to attend. Heard the learned counsel for the petitioners/accused and the 1st respondent-State represented by the Public Prosecutor and perused the material on record.

5) On perusal of the material, there is an accusation so far as the petitioners concerned. The case is under investigation and the matter requires to be investigated. Having regard to the above, there are no grounds for this Court to quash the crime proceedings, but for to say if not already enlarged on bail, being entitled to the concession of bail by virtue of this order to approach the learned Magistrate and move for regular bail with notice to A.P.P and in such an event, the learned Magistrate, after hearing to grant bail with necessary conditions and by dispensing their appearance before the Court pending investigation so as to appear after summons in the event of police final report and cognizance of the offence taken by the Magistrate.

6) With the above observations, the Criminal Petition is disposed of. As a

sequel, miscellaneous petitions pending, if any, in the above criminal petitions shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27.11.2015

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