

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2600 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioners, who are arraigned as accused Nos.3 and 4, incidentally sister and brother-in-law of accused No.1, who is husband of the 2nd respondent, requesting to quash the proceedings in C.C.No.484 of 2014 on the file of Additional Judicial Magistrate of First Class, Kovur, SPSR Nellore District.

2. The facts would reveal that the marriage between the 2nd respondent and accused No.1 has taken place on 29.08.2010 in Bitragunta village, thereafter, they resided at Vijayawada and a male child was born out of their wedlock, but disputes cropped up between them, due to which, she filed M.C.No.20 of 2014 on the file of Additional Judicial Magistrate of First Class, Kovur, seeking maintenance for herself and also their minor son, Nunna Sankeerth. The 2nd respondent filed the instant complaint on the file of the Additional Judicial Magistrate of First Class, Kovur, which was referred for investigation. The offences alleged are punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961, which was registered as Crime No.129 of 2014 by the Station House Officer, Buchireddypalem Police Station, and after completion of investigation, charge sheet was laid and cognizance was taken by the said Court for the aforementioned offences.

3. Heard Sri M.Ravindra, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State.

4. Learned counsel for the petitioners submits that there are vague allegations without any specific allegation being mentioned touching cruelty alleged to have been meted out to the 2nd respondent. He has drawn the attention of this

Court to certain allegations mentioned in paragraph Nos.6, 7 and 11. It is his submission that despite the fact that accused No.1 resided at Vijayawada and they lead marital life at Vijayawada still, a complaint was lodged with Bitragunta Police Station and that itself falsifies the allegations levelled against the petitioners herein, who are the sister and brother-in-law of accused No.1.

5. Learned Additional Public Prosecutor resisted the request contending that generally where the in-laws are arraigned as accused other than the parents-in-law, the same would be examined in detail to cull out the specific allegations, but according to him, there are specific allegations in this case. It is also submitted by him that the petitioners have not chosen to file the statements recorded under Section 161 of the Code, which indicate the gathering of evidence during the course of investigation by the investigating officer to aid the Court to arrive at whether there is any material *prima facie* sufficient to proceed with the proceedings in the calendar case.

6. Perused the complaint averments. There are specific allegations in paragraph Nos.5, 6 and 7 of the complaint. It is also alleged that at one stage, all the four accused went to the extent of killing the complainant by mixing 'All Out' liquid in cool drink and made the complainant to consume the same and she immediately became sick and with the help of neighbours, she was admitted in 'Latha Hospital', Vijayawada, and when all the accused begged and implored and promised that they would look after her and their child well and asked her to give a false statement as if she consumed 'All Out' liquid accidentally without knowing the same, believing the said words, she did not reveal the said incident to anyone. Whether there is truth or otherwise in the said allegations, it can only be examined after full fledged trial, since the cognizance was also taken by the concerned Court for the offences levelled against the petitioners. Therefore, it is not a fit case to quash the proceedings in the said calendar case by invoking extraordinary jurisdiction under Section 482 Cr.P.C.

7. Accordingly, the criminal petition is dismissed.

8. The learned counsel for the petitioners, at this stage, urges to grant liberty to move discharge petition before the concerned Court. Liberty is granted. In case, such a petition is filed by the petitioners, the learned Judicial Magistrate shall dispose it off uninfluenced by any of the observations made in the above.

9. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

15th April, 2015

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