

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

CRIMINAL PETITION No.2735 of 2013

Between:

1. Smt. K. Siva Kumari and another.

..Petitioners

And

1. The State of Andhra Pradesh rep., by Public Prosecutor
High Court at Hyderabad and another.

..Respondents

DATE OF JUDGMENT PRONOUNCED: 27.7.2015

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE RAJA ELANGO

1. Whether Reporters of Local newspapers may be :: Yes/No
Allowed to see the judgments?

2. Whether the copies of judgment may be marked :: Yes/No
To Law Reporters/Journals

3. Whether Their Ladyship/Lordship wish to see :: Yes/No
the fair copy of Judgment?

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2735 of 2013

ORDER:

1. This Criminal Petition is filed seeking to quash the proceedings against the petitioners-A6 and A7 in Crime No.77 of 2011 on the file of CID, W.P.S., Hyderabad, registered for the offences punishable under Sections 498-A, 406 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. The case of the prosecution in brief is as follows:

A1 is the husband, A2 is the father-in-law, A3 is the mother-in-law, A4 is the sister-in-law, A5 is the brother-in-law of the de facto complainant. Petitioner No.1-A6 is the sister-in-law of the de facto complainant and A7 is the husband of A6.

On 18.6.2011, the marriage of the de facto complainant with A1 was performed. At the time of marriage, two lakhs cash and jewellery worth Rs.1.36 lakhs was given to the accused. After marriage, A1 used to ill-treat her and subjected her to physical torture with the support of his parents, sister-in-law and brother-in-law for additional dowry. The other sister-in-law-A6 who is working in HAL, Bangalore and her husband harassed the de facto complainant. In September, 2011 there was a hot-geyser accident in the house and the de facto complainant received burns and it was an attempt on her life. She escaped with minor burns on her body. The accused did not allow her to take treatment. During Dasara Festival, her parents called A1 and in laws, and gave new clothes and gold ring to her husband and two days later, they forcibly dropped her at her parents' house asking her to come back with additional dowry of Rs.1.50 lakhs. They locked the house and went to somewhere. She was left in the parents' house. The accused took away her clothes, her ID card, sarees, Pan Card, Cell Phone, silver articles and the entire jewellery.

3. While admitting this petition, this Court granted interim stay as prayed for. Since the prosecution filed a petition to vacate the interim stay granted by this Court earlier, this matter has come up before this Court. Though the matter is under interlocutory caption, after hearing

the arguments, this Court is of the view that the main case can be disposed of. Hence, this petition is being disposed of.

4. The petitioners are arrayed as A6 and A7 in the above crime. It is alleged in the complaint that the petitioners herein used to give suggestions to A1 as to how to taunt the de facto complainant and make her subservient to them. Except the said allegation, nothing is stated in the complaint. The said allegation in the complaint does not disclose anything attracting either the 1st limb or the 2nd limb of Section 498-A IPC. From the allegations made against the petitioners, it is obvious that such allegations were made against the petitioners out of frustration. Further, from the material on record, it is obvious that the petitioners are living separately with the family members of the de facto complainant. Hence, this Court is of the view that there is no prima facie material to continue the proceedings against the petitioners, and the proceedings against the petitioners in the above crime can be quashed.

5. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners-A6 and A7 in Crime No.77 of 2011 on the file of the CID, WPS, Hyderabad.

RAJA ELANGO, J

Dated:27.7.2015

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THE HON'BLE SRI JUSTICE RAJA ELANGO

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