

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.3574 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/ A.2 to A.4 seek to quash the proceedings in C.C.No.367 of 2011 on the file of Judicial Magistrate of First Class, Badvel, Y.S.R Kadapa District.

2) The petitioners/A.2 and A.3 are parents and petitioner/A.4 is the elder sister of A.1. The *defacto* complainant is the wife of A.1. On the report given by the *defacto* complainant, the Police of Badvel Urban P.S registered FIR No.122 of 2011 against accused and conducted investigation and laid charge sheet for the offences under Sec.498(A) IPC and Sec. 3 and 4 of Dowry Prohibition Act. The accusations as can be seen from the 161 Cr.P.C statements of the complainant and charge sheet are to the effect that the marriage between the *defacto* complainant and A.1 held on 26.08.2004 at Badvel and for some time they led happy conjugal life and begot a son and daughter. Thereafter, the travails of the *defacto* complainant started. A.1 to A.3 started harassing her for additional dowry of Rs.2 Lakhs and they tortured her both physically and mentally. A.4 though living at Tirupathi, used to come to Banagalore and join her parents and brother in torturing the *defacto* complainant. They used to threaten the *defacto* complainant that unless she brings the additional dowry as demanded by them, they would perform second marriage to A.1 with the daughter of A.4. Though the father of the *defacto* complainant raised dispute before the elders, there was no change in the attitude of the accused. While-so on the night of 21.03.2010, the accused necked out the *defacto* complainant and her daughter by keeping her son—Abhinav with them and so she took shelter in her parental home at Badvel. Even after the said incident, A.1 used to telephone to the *defacto* complainant and make demand for additional dowry.

3) Heard.

4) Denying the charge sheet allegations, learned counsel for

petitioners pleaded quashment of the proceedings on the main submission that all the allegations are baseless and they are intended to harass the accused which is evident from the fact that the *defacto* complainant who left the matrimonial home on her own accord filed the complaint one year thereafter with all false averments. He further submitted that the petitioner/A.4 who is the sister of A.1 is residing at Tirupathi whereas other accused are residing at Bangalore and she has nothing to do with the affairs of the *defacto* complainant and other accused and she was unnecessarily roped in the case.

5) Learned Public Prosecutor opposed the petition stating that specific overt-acts of harassment were spoken against accused and hence they do not deserve quashment of the proceedings.

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

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

7) **POINT:** A reading of the material gathered by the prosecution would show that A.1 to A.3 started harassing the *defacto* complainant for additional dowry of Rs.2 lakhs and A.4 also joined them and all the accused threatened the *defacto* complainant that unless she met their demand, they would perform the second marriage of A.1 with the daughter of A.4 and ultimately they bet and drove the *defacto* complainant and her daughter from the matrimonial home keeping her son with them. The truth or falsity of these allegations can be decided only after a full-fledged trial. However, as the matter stands, there is a strong *prima-facie* material against all the accused including A.4. It is not a fit case to quash the proceedings against any of the accused.

8) 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: 25.02.2015

SCS