

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

CRIMINAL PETITION No.404 of 2011

Between:

Kudumula Mallikarjuna & others

..... PETITIONERS

AND

The State, S.H.O., Vidavalur Police Station
S.P.S.R. Nellore District, rep.by its Public
Prosecutor, High Court, Hyderabad and another

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **20.07.2015**

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 2. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.404 of 2011

ORDER:

The petitioners, who are A-1 to A-7, seek to quash the proceedings initiated against them in C.C.No.171 of 2010 on the file of the Additional Judicial Magistrate of First Class, Kovvur, S.P.S.R.Nellore District, registered for the offences punishable under Section 498-A I.P.C., Sections 3 and 4 of Dowry Prohibition Act.

On a complaint given by the 2nd respondent herein, a case in Crime No.2 of 2010 was registered against the petitioners along with others by the Sub Inspector of Police, Vidavalur Police Station, Nellore District. Eventually, after completion of investigation, a charge sheet was laid under the aforesaid offences against the petitioners and others in the Court of the Additional Judicial Magistrate of First Class, Kovvur, Nellore District and the same was numbered as C.C.No.171 of 2010.

Heard the learned Counsel appearing for the petitioners, learned Counsel appearing for the 2nd respondent and the learned Public Prosecutor, representing the State.

Brief facts of the case are that the marriage of the 2nd respondent-complainant with the 1st petitioner-A1 was

performed at Dandigunta village. At the time of marriage, the mother of the complainant gave Rs.2,00,000/- as dowry and gold ornaments as presentations. Thereafter, the petitioners-accused started ill-treating and harassing the complainant such as beating her physically and not providing food etc., for additional dowry and she was necked out of the house. Subsequently, the husband of the complainant i.e., the 1st petitioner-A1 filed a divorce petition against the complainant before the Senior Civil Judge, Kovvur. It is further stated that the 1st petitioner-A1 married one Swapna i.e., Accused No.8.

Learned Counsel for the petitioners submitted that the allegations made in the complaint of the 2nd respondent are all vague and baseless and does not attract the provisions of Section 498-A I.P.C. and also Sections 3 and 4 of the Dowry Prohibition Act. He further submitted that the 2nd respondent-complainant failed to state on which date the dowry amount had been given to the petitioners and also on which date the petitioners demanded the 2nd respondent for additional dowry and in the absence of such categorical information, it shall be constructed that the complaint of the 2nd respondent is nothing but unfounded and invented for the purpose of harassing the accused and hence the said complaint is liable to be quashed. In support of the said contention, he relied upon a decision of the Supreme Court in *Neelu Chopra Vs. Bharti*^[1].

The facts in the present case are quite distinct to the facts in the aforesaid decision relied on by the learned Counsel for the petitioners. A perusal of the complaint shows that the

allegations of harassment and demanding dowry have been made equally against all the accused. The truth or otherwise of the allegations cannot be gone into in this petition and it can only be decided during the course of trial. All the contentions raised by the learned Counsel for the petitioners fall within the purview of disputed questions of fact and they cannot be decided in this petition, but can be considered by the trial Court at the time of trial. Therefore, I see no reason to interfere with the matter at this stage by quashing the proceedings against the petitioners.

Accordingly, the Criminal Petition is dismissed. However, the trial Court is directed to proceed with the trial of the case expeditiously without insisting the presence of the petitioners-A2 to A7 only on every date of hearing unless it feels that their presence is necessary for any specific purpose. The 1st petitioner-A1 shall appear before the trial Court on every date of hearing of the case.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

20-07-2015
Gsn