

HON'BLE SMT JUSTICE ANIS
CRIMINAL PETITION No.9475 OF 2012

ORDER:

This criminal petition is filed to quash FIR in Cr.No.207 of 2011 on the file of P.S. CCS (DD) Women PS, Hyderabad District for the alleged offences under Sections 498-A and 406 IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961.

2. The case of the petitioners is that:

The 2nd respondent filed a complaint before the CCS (DD) Women Police Station, Hyderabad contending that his daughter Kandimalla Prathibha Reddy has been harassed by her husband i.e., petitioner/accused No.1, his parents i.e., petitioners/accused Nos.2 & 3, two brothers and elder sister for additional dowry. The 2nd respondent contended that his daughter is a MCA postgraduate completed in the year 2002 and her marriage was fixed in the year 2002 with petitioner/accused No.1 and he was working at USA at that time. On 29.12.2002, the marriage was performed and at the time of marriage, he gave huge dowry and other gifts to the sister of petitioner as "Adapaduchu Lanchanalu", apart from 50 tolas of gold jewellery including two diamond necklaces. After marriage, his daughter went to USA. During her stay, the petitioner/accused No.1 insisted his wife to get more amount to get the house dispose of. Finally, the 2nd respondent disposed of the said house for Rs.15 lakhs and paid to the petitioners. Even though all the demands were fulfilled the petitioners harassed his daughter. The 2nd respondent also stated that his daughter informed him about the harassment made by the petitioners for more money. As the harassment of the petitioners kept on continuing for more dowry, the 2nd respondent lodged the complaint.

3. The petitioners stated that 2nd respondent filed the complaint against them by suppressing the fact that his daughter and the petitioner/accused No.1 had filed divorce petition before the Court of Common Pleas Chester County, Pennsylvania, USA, and they were granted divorce on 03.10.2002 which was contested by the daughter of 2nd

respondent, thereafter by mutual agreement before the said Court, the matter was settled their respective account in full and final satisfaction. In pursuance of the settlement, the 1st petitioner paid the entire amount by way of four cheques and the daughter of the 2nd respondent encashed all the cheques in lieu of divorce decree. The petitioners stated that the daughter of the 2nd respondent gave a statement before the police suppressing the factum of divorce granted and receiving the amounts and therefore, due to divorce, there is no subsisting relationship between the petitioner and daughter of the 2nd respondent and the complaint was filed with a mala fide intention by suppressing material facts, as such the petition is liable to be quashed.

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4. The learned counsel for respondent argued that though the mutual divorce was obtained by the 1st petitioner and the daughter of the 2nd respondent, they have a minor daughter and the counsel for respondent requested to settle some property in the name of minor daughter. The 2nd respondent not disputed about the divorce obtained by the 1st petitioner before the Court of Common Pleas Chester Country, Pennsylvania, USA on 03.10.2002 and also not disputed about the amounts received by his daughter towards full and final settlement through cheques. Insofar as the contention of the learned counsel for respondent to settle the property in favour of minor daughter is concerned, it is left open to approach the proper forum as per law to get the property in the name of minor daughter of 1st petitioner/ Accused No.1 and daughter of 2nd respondent.

5. With this observation, the Criminal Petition is allowed.

6. Consequently, miscellaneous applications, if any, pending in this petition, shall stand disposed of.

ANIS, J

Date:12.02.2015

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