

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.1313 of 2014

ORDER:

In this petition filed under Section 482 Cr.P.C., petitioners/A4 to A6 seek to quash the proceedings in C.C.No.65 of 2014 on the file of Judicial First Class Magistrate, Andole, Medak District.

2) A1 is the husband of defacto complainant. A2 and A3 are parents, A4 and A5 are brothers and A6 is the maternal uncle of A1.

3) On the report given by defacto complainant the police of Papannapet PS registered Cr.No.124 of 2013 and investigated into the matter and laid charge sheet against A1 to A6 for the offences under Section 498A IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 in C.C.No.65 of 2014.

4) The allegations are that marriage of defacto complainant and A1 was performed on 31.05.2013 and her parents paid sumptuous dowry and 15 tulas of gold to accused at the time of marriage. On the day of marriage itself accused expressed displeasure on the ground that the gold articles were not good quality and since then all the accused started harassing her for additional dowry of Rs.15 lakhs for purchase of plot in Sadasivpet. Due to their unbearable harassment, the complainant proceeded to her parental house to inform them and on the way in front of post office at Medak all the accused caught her and beat her indiscriminately which was witnessed

by the locality people. On the same day i.e. on 06.10.2013 the complainant returned to her parents' house. The village elders tried to convince the accused but they have not mend their attitude.

5) Denying the charges, learned counsel for petitioners would submit that after marriage defacto complainant and A1 never lived with parents-in-law and their parents-in-law lived at Kuchanapally village where Accused No.2 was working as Post Master. Petitioners 3 and 4/A4 and A5 are students, as petitioner No.3/A4 studying M.Tech. at DVR college of Engineering and he is residing at Boys Hospital at Hyderabad and petitioner No.4/A5 is residing at New Delhi and undergoing coaching for IAS at Kalinga IAS Study Circle at New Delhi and as such the question of petitioners 3 and 4/A4 and A5 harassing the defacto complainant for additional dowry never occurred. Petitioner No.5/A6 is the maternal uncle who mediated in the performance of marriage and he is residing at Bachurajpally village and except that he has no role in harassment of the defacto complainant. Thus, all the petitioners were unnecessarily roped in the case by the complainant. He further submitted that except bald allegations no specific overt-acts were attributed against the petitioners. Hence, they deserve quashment of proceedings. He relied upon the decision reported in ***Tummala Ramnarayana and others vs. State of Andhra Pradesh and another***^[1].

6) Learned Public Prosecutor opposed the petition.

7) Petitioners/A4 to A6 are concerned, A4 and A5 are younger brothers of A1 and they are students whereas A6 is maternal uncle of A1. The allegation against them is that they along with A1 to A3 demanded defacto complainant for additional dowry of Rs.15 lakhs for purchasing a plot at Sadasivpet and specific overt act against all the accused is in respect of an incident said to have been occurred on 06.10.2013. As per the complaint, on 06.10.2013 complainant unable to bear their harassments when tried to go to her parental village—Minpur and she reached Medak Post Office all the accused caught hold her and beat her indiscriminately and this incident was witnessed by her villagers 1. Bisa Gopal, 2. Ilitam Lachamma, 3) Agam Yesaiah and 4) Md. Abid and rescued her and sent her to parental village by bus.

8) In this context, so far as demand of additional dowry by petitioners/A4 to A6 are concerned, except omnibus allegation to the effect that all the accused harassed her demanding additional dowry of Rs.15 lakhs, the complainant was not specific about the date. The petitioner/A4 and A5 are students whereas A6 is a distant relation and it is difficult to perceive that they would join A1 to A3 to make any demand for additional dowry. Then so far as the incident on 06.10.2013 is concerned, in 161 Cr.P.C. statement of defacto complainant, no doubt she made an omnibus allegation that all the accused beat her without specifying the names. So far as independent witnesses i.e. Agam Yesaiah and Elitem Lachaiah are concerned, they

revealed that husband, parents-in-law and some others beat her without specifying the names of present petitioners. Having regard to the fact that A4 to A5 are students and A6 is a distant relation, it is hard to believe their presence at the time of alleged incident and joining with other accused in alleged beating the defacto complainant. In any view of the matter, the participation of A4 to A6 in the entire episode is quite unlikely and as rightly pointed out they were unnecessarily roped in the case.

9) In similar circumstances, when the participation of some of the accused in harassment was found unnatural, this Court in the cited decision quashed the proceedings against them. So, in the instant case also I am of the view that continuation of proceedings against the petitioners/A4 to A6 is concerned, will be abuse of process of law.

10) In the result, this Criminal Petition is allowed and proceedings in C.C.No.65 of 2014 on the file of Judicial First Class Magistrate, Andole, Medak District against the petitioners 3 to 5 i.e. Gundela Krupakar (A4), Gundela Dayakar (A5) and Andhraiah (A6) are quashed. The proceedings shall continue against other accused.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 04-03-2015

Murthy

^[1] 2013 (2) ALD (CrI.) 293 (AP)