

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6306 of 2013

ORDER:

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1. This Criminal Petition is filed by the petitioners-A2 to A4 under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.576 of 2012 on the file of the V Additional Judicial First Class Magistrate, Nellore.

2. The case of the prosecution is as follows:

The marriage of the de facto complainant was performed with A1 on 29.1.2012. The parents of the de facto complainant gave dowry to A1. After marriage, the de facto complainant went to her in-laws' home. All the accused harassed and threatened the de facto complainant physically and mentally for additional dowry and sent her to her parental house and they did not take her back to continue marital life. Basing on the report of the de facto complainant, a case was registered against the petitioners and A1.

3. Heard and perused the material available on record.

4. The main allegation against the petitioners is that they harassed the de facto complainant and informed her that she should not reveal anything to others as their family is reputed family. Insofar as petitioners 2 and 3 are concerned, the de facto complainant stated that occasionally, they used to assault her. But the fact remains that petitioners 2 and 3 are residing away from the matrimonial home of the de facto complainant. Even as per the charge sheet, the address of petitioners 2 and 3 is given as Hyderabad and Tamil Nadu. Further, from the entire reading of the statement of the de facto complainant, it is obvious that no specific allegation was attributed against the petitioners attracting the offence under Section 498-A IPC. Further, the

said complaint was lodged by the de facto complainant after receipt of notice in FCOP No.127 of 2013 filed by A1 for restitution of conjugal rights.

5. Considering the facts and circumstances of the case, this Court is of the view that there is no prima facie case against the petitioners to continue the proceedings against them in the above C.C. Hence, the proceedings against the petitioners in the above C.C. are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners-A2 to A4 alone in C.C.No.576 of 2012 on the file of the V Additional Judicial First Class Magistrate, Nellore, Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

27th August, 2015

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