

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4490 of 2013

ORDER:

The petitioners who are accused Nos.2 to 4 in C.C.No.39 of 2013 on the file of IV Additional Judicial First Class Magistrate, Tirupathi, Chittoor District registered for the offences punishable under Sections 498-A IPC and Section 4 of Dowry Prohibition Act, filed this petition under Section 482 of Cr.P.C., seeking to quash the proceedings against them.

First petitioner is the mother-in-law, second petitioner is the father-in-law and third petitioner is the brother-in-law of the de facto complainant, who is the wife of A.1. The main allegation in the complaint against the petitioners herein is that due to their instigation and inducement, A.1 harassed the complainant demanding additional dowry.

Heard the learned counsel for the petitioners, learned Additional Public Prosecutor and learned counsel appearing for the second respondent-de facto complainant. Perused the material available on record.

Admittedly, the petitioners herein were not arrayed as accused at the time of filing of charge sheet. Subsequently, the de facto complainant filed an application for including the petitioners as accused, by way of protest petition. Before the trial Court, apart from the complainant, three more witnesses were examined in support of the protest petition. The trial Court after recording the statement of complainant and other three witnesses, took cognizance of the case for the alleged offences against the petitioners herein and accordingly, issued summons against them.

Learned counsel appearing for the petitioners contends that no

specific allegations were made against the petitioners to attract the ingredients of the offences alleged in the complaint. He further contends that the petitioners are no way concerned with the marital life of the first respondent with A1 and as such, continuance of proceedings against the petitioners is nothing but abuse of process of law.

The complainant in her sworn statement stated before the trial Court that ten days after the marriage, A.1 to A.4 started demanding the remaining dowry amount and that A.4, who is residing in United States of America used to demand the dowry over phone. L.W.2 deposed that A.1 to A.3 demanded the complainant to bring remaining dowry. A.4, who came from USA also supported A.1 to A.3 and all the accused demanded the complainant to bring additional dowry. L.W.3 also deposed that when he went to the house of accused, A.1 to A.3 demanded to bring the remaining amount of dowry and gold. L.W.4 deposed that ever since the marriage, A.1 to A.3 used to harass the complainant on the ground that she brought lesser dowry. A.4 also used to harass the complainant over the phone and demanded additional dowry. All the witnesses also deposed that the complainant and A.1 set up separate family.

Even according to the witnesses examined before the trial Court, the petitioners herein are staying separately. Further from the entire evidence adduced by L.Ws.1 to 4, except the bald allegations, nothing is elicited to connect the petitioners with the offences alleged more particularly for an offence under Section 498-A IPC. Considering the evidence brought on record, this Court is of the view that there is nothing against the petitioners herein to proceed against them for the offences alleged and therefore, the impugned proceedings are liable to be quashed.

In the result, the Criminal Petition is allowed and the impugned

proceedings in C.C.No.39 of 2013 on the file of IV Additional Judicial First Class Magistrate, Tirupathi, Chittoor District are hereby quashed as against the petitioners herein.

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

30th September, 2015

Tsr