HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.12232 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/A.2 to A.4 seek to quash the proceedings in C.C.No.1309 of 2012 on the file of learned X Metropolitan Magistrate, Malkajgiri at Cyberabad.

2) On the report given by the *defacto* complainant, the Police o f Kushaiguda P.S, Cyberabad registered a case in Crime No.583 of 2012 and after investigation laid charge-sheet against A.1 to A.4 for the offences under Sec.498-A IPC and Sec.4 of D.P.Act. The charge sheet was taken cognizance and registered as C.C.No.1309 of 2012 and pending on the file of X Metropolitan Magistrate, Malkajgiri at Cyberabad.

a) A.1 is the husband of *defacto* complainant, A.2 and A.3 are parents and A.4 is brother of A.1. The allegations briefly are that the marriage between the complainant and A.1 took place on 28.11.2010 and during the marriage her parents on the demand of A.1 and his parents gave dowry of Rs.20,00,000/- and 27 tulas of gold ornaments and 4 kgs of silver ornaments and also the household articles. At that time it was falsely represented by A.1 to A.3 that A.1 was working in Datacom Company at Wellington in New Zealand. 20 days after marriage he left for New Zealand apparently to join in his job. However, later the complainant came to know that he lost the job even long prior to his marriage and this fact was suppressed by A.1 to A.3 before and after marriage. Complainant further came to know that A.1 went to New Zealand not for the purpose of job but he had extramarital contacts with one Chinese Girl—Yang Guhan and he went for her. Eight months after marriage, the complainant secured Visa and went to New Zealand on 09.10.2011. There she came to know that her husband was still continuing his relationship with that girl. Within a week days after her arrival to New Zealand, A.1 started ill-treating her. Every night he used to come in a drunken state and he used to force her to attend parties. He was idle and he forced her to do job for money. Ultimately, unable to bear his tortures, the complainant returned India on 12.05.2012. At the time of returning India, A.1 forcibly took the money of 3400 New Zealand dollars saved by her by doing job. The further case of complainant is that after returning India when she went to her in-laws' house at Secunderabad, A.2 and A.4 did not allow her into the house and abused her as to why she returned to India. In June, 2012 when A.3 returned from Qatar, complainant along with her parents again went to her in-laws' house and narrated about the harassment meted out by A.1. A.3 also abused her and did not admit her into the matrimonial home. In the meanwhile, A.1 returned to India. Again complainant along with her parents went to her in-laws' house but all of them ill-treated her and drove away from their house. Even though complainant waited for four months, there was no change in their attitude. Hence the complaint.

3) Denying the allegations, learned counsel for petitioners pleaded for quashment of proceedings on the submission that even if the charge sheet allegations are uncontroverted, they may at best reveal some allegations against A.1 who is the husband of *defacto* complainant but no specific and tangible allegations are made against petitioners/A.2 to A.4. Learned counsel pointed out that except making a vague allegation that A.2 to A.4 drove away the complainant from their house, the date when they allegedly drove her away was not mentioned. It is further argued that even assuming that A.2 to A.4 did not allow the complainant into their house at Secunderabad, that cannot be treated as an offence because her matrimonial home is at New Zealand but not at Secunderabad and therefore, A.2 to A.4 cannot be found fault with when they did not admit her into the house. He thus prayed to allow the petition and quash the proceedings.

4) In oppugnation, learned counsel for respondent No.2/complainant and learned Additional Public Prosecutor argued that all the accused are guilty of suppressing the factum of A.1 losing his job and his connection with a Chinese girl and also for their not allowing the complainant into their house. They argued that the harassment meted out by the accused is writ-large from the statements of the witnesses and therefore, they do not deserve quashment of proceedings. Thus they prayed to dismiss the petition.

5) In the light of above rival arguments, the point for

determination is:

"Whether there are merits in this petition to allow?"

6) **POINT**: As per the FIR and charge sheet, the specific allegations against petitioners/A.2 to A.4 are that at the time of marriage, A.1 and his parents i.e, A.2 and A.3 suppressed the fact that A.1 lost his job at New Zealand. They also suppressed A.1's connection with a Chinese girl. The further allegations against A.2 to A.4 are that when complainant returned India on 12.05.2012 and went to the house of her in-laws, instead of allowing her into the house they denied admission and scolded her as to why she returned India from New Zealand. Even after A.1 returned from New Zealand also, all the accused did not allow the complainant into their house. These are the allegations which can be discernible from the statements of the complainant, her parents and also the other independent witnesses. As such, I am convinced that there is strong prima-facie material against petitioners/A.2 to A.4. If the allegations are uncontroverted, they unerringly show an accusing finger against petitioners/A.2 to A.4. Merely because the date on which the complainant approached the house of A.2 to A.4 is not mentioned, that cannot be a ground to say that the allegations are vague. At the outset, there are no merits in the petition to quash the proceedings. Hence the petitioners shall face the trial and establish their innocence before the trial Court.

7) In the result, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 01.05.2015
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