

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.14522 of 2014

ORDER:

In this petition filed under Sec.482 Cr.P.C, the petitioners/A.1 to A.8 seek to quash the proceedings in C.C.No.817 of 2013 on the file of I Additional Judicial Magistrate of First Class, Nizamabad.

2) A.1 is the husband of *defacto* complainant, A.2 is the mother, A.3 to A.6 are brothers and A.7 and A.8 are sisters of A.1.

a) On the report given by Orsu Alekhya @ Vijaya Lalitha, the police of Women P.S, Nizamabad registered a case in Crime No.2/2012 and after investigation laid charge-sheet against A.1 to A.8 for the offences under Sec. 498-A and Sec.4 of D.P. Act.

b) The allegations are that the marriage between the A.1 and complainant took place on 13.11.2011 and at that time A.1 was working as lecturer on contract basis in Polytechnic College, Siddipet. The parents of complainant gave Rs.3 Lakhs as dowry, gold and other paraphernalia at the time of marriage. Immediately after marriage, complainant joined the society of A.1 at his house. On the date of reception itself, all the accused started demanding additional dowry of Rs.2 Lakhs. Ever since, all the accused started harassing her for additional dowry of Rs.2 Lakhs and threatened her that unless she brings the additional dowry of Rs.2 Lakhs, she would not be allowed to cohabit with A.1. Ultimately, they drove her away from the house. At the

instance of the mother of complainant, elders convened Panchayat and advised the accused to treat the complainant properly and sent her along with A.1. However, there was no change in the attitude of the accused. Soon they resumed their harassment. Hence the complaint.

3) In this case, the accused appeared in person and A.1 submitted his arguments on their behalf. It is his submission that they never ill-treated the complainant and in fact on the night of nuptial, the complainant went away to her parental home due to dislike towards A.1 and she never came and stayed with A.1 and so the question of their ill-treating the complainant does not arise. On this main plank of argument, he sought for quashment of the proceedings.

4) On the other hand learned Additional Public Prosecutor referring the 161 Cr.P.C statements of the witnesses, particularly the mediators argued that there is a strong *prima facie* case against all the accused and hence they do not deserve quashment of the proceedings.

5) In the light of above arguments, the point for determination is:

“Whether there are merits in this petition to allow?”

6) **POINT**: It is the case of the petitioner that the complainant did not stay with A.1 and she went away to her matrimonial home even on the day of nuptial and later she did not return and stay with A.1 and so the question of petitioners/accused harassing

her for additional dowry does not arise. However, a perusal of the statements of the witnesses, particularly the statements of elders i.e, LW.4—M.Hanumanthu, LW.5—M.Venkat, LW.6—R.Das, LW.7—R.Ramulu, LW.8—O. Yellaiah etc., would clearly show that they convened Panchayat at the instance of complainant and advised the accused to treat the complainant well and sent her with A.1. Their evidence coupled with the statements of the complainant and her family members clearly throw a *prima-facie* material about the harassment meted out by the accused to the complainant. If this material is uncontroverted, certainly the same would reveal the overtacts of harassment caused by the accused for the additional dowry. Therefore, it is not a fit case to quash the proceedings. The petitioners/accused shall face the trial and put-forth their defence for consideration of 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: 15.04.2015

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