

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.15550 of 2014

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/A.2 and A.3 seek to quash the proceedings in FIR No.232 of 2014 of Narsampet P.S in Warangal District.

2) The private complaint filed by the *defacto* complainant was forwarded to S.H.O, Narsampet P.S by the learned Judicial Magistrate of First Class, Narsampet which was registered as case in Crime No.232 of 2014 and after investigation charge-sheet was laid against A.1 to A.3 for the offences under Sec.498-A, 323, 506, 108, 306 r/w 511 IPC and Sec.3 & 4 of D.P. Act.

3 a) The charge-sheet allegations briefly are that A.1 is the husband of the *defacto* complaint and A.2 and A.3 are his parents. The marriage between A.1 and complainant took place on 27.11.2005 and at the time of marriage on the demand of A.1 to A.3, the parents of complainant gave net cash of Rs.8,20,000/- as dowry. After marriage, complainant and A.1 stayed at the house of A.2 and A.3 at Hyderabad for about two months and thereafter they shifted to Pune where A.1 was working. Complainant became pregnant and in June, 2006, A.1 brought her to Hyderabad and left with A.2 and A.3. When the mother of complainant came to take her for confinement and delivery, they demanded her to perform Srimantham at their house with the expenditure of parents of complainant and threatened that others were ready to give their daughter to A.1 to perform second marriage with an offer of Rs.50 Lakhs to Rs.1 Crore as dowry. On such threat, the parents of complainant had to bear the entire expenses.

b) After delivery, complainant gave birth to a female child by name Mythreyee but A.1 to A.3 did not go to see the baby. Thereafter A.2 and A.3 willfully and mercilessly interfered in the marital relationship between the complainant and A.1 and did not allow them to cohabit with each other. Even after the birth of child, the accused did not stop

their demand for additional dowry of Rs.50 lakhs and on that a Panchayat was held by the elders and they admonished A.1 to A.3 and advised them not to harass the complainant for additional dowry. Even then there was no change in the attitude of the accused. Unable to bear their harassment once the complainant lodged FIR No.304 of 2007 under Sec.498-A IPC and Sec.3 & 4 of D.P. Act in Narsampet P.S against the accused and on the request of accused, the matter was compromised, as such the case was referred as false. Even thereafter also there was no change in the attitude of the accused and they started abusing her for lodging complaint against them. While-so, the complainant became pregnant and A.1 to A.3 forcibly got her aborted at Hyderabad against her will for fear that she may again give birth to a female child. The parents of complainant and elders questioned their illegal activities and in the Panchayat A.1 to A.3 admitted their mistakes and agreed to look after the complainant properly but there was no change in their attitude.

c) Then in August, 2012 again the complainant became pregnant and she did not reveal it to A.1 to A.3 for fear that they may force her to terminate the pregnancy. Knowing about her pregnancy in that month, A.1 to A.3 forced her to abort and threatened her to kill if she refuse to heed them. When she did not agree they bet her black and blue due to which she sustained injuries on her stomach, right hand, cheek and right side ear. They drove her away from the house and so she took shelter in the house of her parents. On 02.01.2013 she gave birth to a male child even then there was no change in the attitude of the accused and their demand for additional dowry was still continuing. Hence the present complaint.

4) Petitioner No.1/A.2 appeared in person and argued that all the allegations made in the FIR are false and the complainant never stayed with them except for two months in the initial days of marriage and they never subjected her to any type of cruelty or harassment and the FIR was lodged only to harass them. On this main plank of argument, he prayed to quash the proceedings.

5) Learned Additional Public Prosecutor opposed the petition and submitted that there is overwhelming evidence to show the harassment meted out by the accused and produced the C.D file.

6) A perusal of the FIR, 161 Cr.P.C statements of the complainant and other witnesses clearly show the harassment and cruelty caused by the accused to the complainant. The zenith of the atrocities are that unable to bear the harassment, the complainant once got disgusted and tried to commit suicide by pouring kerosene and setting ablaze but her parents timely intervened and rescued her.

7) Having regard to the strong prima-facie allegations contained in the record submitted by the learned Additional Public Prosecutor, in the considered view of this Court, it is not a fit case to quash the proceedings.

8) 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: 29.04.2015

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