

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.14338 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioners/A.1 to A.3 seek to quash the proceedings in C.C.No.492 of 2013 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam, whereunder they were charged for the offences under Sections 498-A of Indian Penal Code and 3 and 4 of Dowry and Prohibition Act.

2) The brief facts are that A.2 and A.3 are the parents of A.1. Second respondent/*de facto* complainant is the wife of A.1. She gave report to Kancharapalem Police Station, Visakhapatnam, averring that she belongs to Visakhapatnam and her marriage with A.1 took place on 12.06.2011 at Visakhapatnam and at the time of marriage, on the demand of all the accused and sisters of A.1, her parents gave dowry and other paraphernalia. For about three months after the marriage, they resided in the house of accused at Tadepalligudam and thereafter A.1 got a job as Web Designer at Hyderabad and so they set up their family at Hyderabad in October, 2011. It is further alleged that her mother-in-law, sister-in-law and brother-in-law came to their house and raised a galata for Gadgets like Led TV, Washing Machine, Refrigerator etc., and on their instigation, A.1 started demanding money and harassing her. It is further alleged that A.1 was always suspicious about her conduct and he often used to check her emails. The complainant studied B.Tech and

earlier, she submitted her resume to different institutions and she used to receive mails from different institutions in connection with her job attempts. Seeing the emails, A.1 used to suspiciously enquiring her as to why she was receiving emails and who sent them and used to harass her physically and mentally and he was not allowing her to contact even with her parents and siblings on phone and put many restrictions to her.

3) Her further allegations are that during April, 2012, the marriage of her younger sister was fixed and at the same time, A.1, at the instigation of other accused, demanded Rs.2,00,000/- from her parents on the pretext of purchasing a new car. Since the marriage of her younger Sister was to be performed in October, 2012, her parents expressed their inability and on that, other accused instigated A.1 and in turn A.1 started harassing her for additional dowry. During the same time, she became pregnant and they did not provide her proper medical care and left her at Visakhapatnam and her parents provided her medical check up in Audithya Nursing Home. Even though her parents requested the accused to allow them to retain her with them till the marriage of their second daughter, the accused refused and therefore, her father took her to Hyderabad and left in the house of accused. At that time, all the accused treated her cruelly and forced her to do all the house hold works though she was very weak due to advanced pregnancy and they did not provide her proper medical care. A.1 in order to put her in trouble brought his parents and sisters in November, 2012 and forced the complainant to serve all of them. During that period, she suffered

with acute stomach pain, but they did not provide her medical aid and A.1 even did not give her money to go to hospital and have check ups. When the complainant informed to her parents about her ill-health, they in turn informed the same to her uncle— P.Satyanarayana, who is staying at Hyderabad, and he came and took her to hospital. As her condition was serious, she was admitted in I.C.U of Remedy Hospital and abortion was done to her. When she returned from hospital, instead of showing sympathy on her, the accused demanded hospital charges of about Rs.15,000/-. Hence, her father sent amount to the account of her uncle P. Satyanarayana, who paid the said amount to the accused. The accused refused to leave her at Visakhapatnam for confinement and so her parents came and took her to Visakhapatnam.

4) The police of Kancharapalem, Visakhapatnam, registered the above said complaint as a case in Cr.No.263 of 2013 and after investigation laid charge sheet under Section 498-A IPC and Sections 3 and 4 of D.P. Act.

Hence, the instant petition by the accused.

5) Notice given to second respondent/complainant, but there is no representation on her behalf.

6) Heard arguments of learned counsel for petitioner and the learned Public Prosecutor.

7) Denying the charge sheet allegations, it is argued by the learned counsel for the petitioners/accused that the accused

were falsely implicated and there is no case against any of the accused much less A.2 and A.3. Learned counsel argued that except generalized and omnibus allegations, no specific accusations are made against the petitioners/A.2 and A.3. He thus sought for quashment of the proceedings.

8) Opposing the petition, learned Public Prosecutor vehemently argued that clear cut averments are made against all the accused, inasmuch as, A.1 is concerned, complaint and charge sheet would delineate that he caused physical and mental agony to the complainant by suspecting her conduct in every manner and making demands for additional amount on the pretext of purchasing a new car and so far as other accused are concerned, they meted out inhuman treatment to the complainant by not showing sympathy towards her when she was pregnant and made her toil hard and thereby her pregnancy was aborted and in spite of it, they did not show any sympathy towards her and on the other hand, the accused demanded amount towards her hospital charges and all these would show the complicity of accused. Learned Public Prosecutor, thus, prayed to dismiss the petition.

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

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

10) **POINT**: I have carefully gone through the allegations made in charge sheet and 161 Cr.P.C. statements of the witnesses. As

can be seen from the material on record, there are glaring and grave allegations against all the accused. A.1 is concerned, the allegations are that he used to suspect the conduct of the complainant for no reason and subjected her to mental agony. The allegations would show that when the complainant and A.1 set up their family at Hyderabad, the accused demanded her to get Gadgets like LED TV, AC, Washing machine and Refrigerator etc., from her parents and raised hue and cry for these articles. Further, the accused have also demanded Rs.2,00,000/- from the parents of the complainant on the pretext of purchasing new Car and when they expressed their inability, the accused subjected the complainant to harassment. The allegations would further show that even though the complainant was at the stage of advanced pregnancy, they forced her to do all the domestic works and thereby she became weak and they did not take her to hospital and provide the medical aid and scanning facility and she has to get the medical assistance through her uncle, who is residing locally. The allegations would also show that the accused demanded the medical expenses of Rs.15,000/- from the parents of the complainant and they provided the amount through the uncle of the complainant. Thus, the material on record would depict a *prima facie* case against the accused and the veracity of the allegations can be determined only after a full fledged trial. Thus, as the things stand, it is not a fit case to quash the proceedings at this stage.

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

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

closed.

Date: 20.07.2016
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U. DURGA PRASAD RAO, J