HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3155 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioners/A.1 to A.5 seek to quash the proceedings against them in C.C.No.117 of 2011 on the file of II Additional Junior Civil Judge, Tenali wherein they were charge sheeted for the offence under Sec.498-A r/w 34 IPC.

2) A.1 is the husband of 1st respondent/*defacto* complainant. A.2 and A.3 are the parents and A.4 and A.5 are the brother and sister of A.1 respectively. On the complaint lodged by the *defacto* complainant, the police of Kolluru P.S, Guntur District registered FIR No.117 of 2010 and after investigation laid charge sheet against the petitioners. The prosecution case is that the marriage between A.1 and *defacto* complainant was held about 11 years prior to the complaint and at the time of marriage, her parents gave Rs.1,00,000/- as dowry and other paraphernalia on the demand of accused. For about 5 years, both of them led happy conjugal life and they begot two sons. Theirs is a joint family. A.5 deserted her husband and residing in their house. The further case of prosecution case is that A.1 became slave to vices and started harassing the *defacto* complainant physically and mentally and all the accused demanded her to bring an additional dowry of Rs.50,000/- so as to set right the marital life of A.5. They were residing in a rented house and

A.2, A.3 and A.5 used to pickup quarrels with the owners of the rented houses and due to the disputes, they had to change rented houses frequently. A.2 to A.5 used to abuse and beat the *defacto* complainant on the pretext that she was responsible for changing of the rented houses. The other accused used to advise A.1 to send her away from the house and if necessary to kill her. Finally, all the accused drove her and her children away from the matrimonial home.

Hence, the instant quash petition by petitioners.

3) Heard arguments of Sri P.Venugopala Rao, learned counsel for petitioners and learned Public Prosecutor for the State (AP). Notice on respondent No.1/*defacto* complainant was served but none appeared.

4) Denying the prosecution case, learned counsel for petitioners argued that the *defacto* complainant is a petition monger and she filed complaint 11 years after marriage that too after begetting two sons as if the accused demanded additional dowry of Rs.50,000/- which is palpably false. Learned counsel further submitted that earlier the complainant gave report to police against her own father as if in the lorry business her father cheated her husband. Her husband also made representation to the Chairman, Mandal Legal Services Committee, Tenali in respect of lorry disputes between him, his father-in-law and some others. On the instructions of the Mandal Legal Services Committee, the Sub-Inspector of

Kolluru P.S enquired into the matter and ultimately submitted a report stating that A.1 and his father-in-law colluded together and tried to cheat others. Learned counsel submitted that all these facts would show that there were internal disputes between the two families and the present case is an outcome of those disputes and therefore, the criminal case may be quashed as its continuation would amount to sheer abuse of process of the Court.

5) Learned Public Prosecutor argued that the FIR and statements of the witnesses would show a strong *prima facie* case against the accused and therefore, the petitioners do not deserve for quashing the proceedings.

6) The point for determination in this petition is:

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

7) **POINT**: A perusal of the FIR and 161 Cr.P.C statements of the witnesses would reveal *prima facie* case against all the accused as pointed out by the learned Public Prosecutor. Of course, the veracity of the prosecution allegations has to be decided after trial. The contention of the petitioners that the present case is an outcome of the previous disputes cannot be appreciated and the petitioners are at liberty to take the defence pleas which are legally available to them before the trial Court for its appreciation.

8) Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending if any,

shall stand closed.

U. DURGA PRASAD RAO, J

Date: 12.08.2016
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