

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6334 OF 2016

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ORDER:
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This petition is filed by the petitioner-A7 under Section 482 Cr.P.C. seeking to quash the proceedings against him in PRC No.14 of 2015 on the file of the I Additional Judicial Magistrate of First Class at Jagtial, Karimnagar District.

The petitioner is alleged to have committed the offence punishable under Sections 304-B, 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. The case of the prosecution is as follows:

The 2nd respondent performed the marriage of her daughter Mounika-(for short 'the deceased') with A1 and at the time of marriage, she paid Rs.3,50,000/- as dowry to the accused and she also gave household articles worth Rs.40,000/-. After marriage, A1 and the deceased lived together and they were blessed with a male child. Since the date of marriage, A1, his mother-A2, sisters-A3 and A4, and brothers-A5 and A7 and sister-in-law-A6 harassed the deceased for additional dowry. On 5.8.2012, the deceased along with A1 came to Deekonda village, stayed with her husband and later, all the accused harassed her for additional dowry of one lakh. Due to such harassment, the deceased committed suicide by hanging.

Learned Counsel for the petitioner submitted that the case against the petitioner was split up and all the other accused were tried for the above offences and were acquitted by the judgment dated 29.2.2016 in S.C.No.245 of 2015 by the II Additional Sessions Judge, Karimnagar at Jagtial. He further submitted that the case against the petitioner is also on the same footing as that of the other accused who were acquitted, and therefore, the same benefit may be extended to the petitioner.

In the judgment in S.C.No.245 of 2015, the learned Additional Sessions Judge observed as follows:

“As per P.W.1’s testimony and Exs.P1 to P21, it is clear that the deceased Mounika committed suicide by hanging on 5.8.2012. The version of the prosecution is that the deceased-Mounika committed suicide by hanging due to the harassment of the accused for more dowry, but P.W.1-the mother of the deceased-Mounika in her testimony has categorically admitted that three years back, her daughter-Mounika died by committing suicide due to stomach pain, and that she did not lodge any report and they did not present any dowry amount to A1 and the accused did not harass the deceased at any point of time for more dowry, more particularly for Rs.1,00,000/- dowry amount.”

In view of the above statement of P.W.1, the learned Additional Sessions Judge having observed that there is no material on record to connect the accused with the above offences acquitted them.

Admittedly, the case against the petitioner is also on the same footing as that of the other accused, who were acquitted by the learned Additional Sessions Judge, Karimnagar at Jagtial. Therefore, this Court is of the view that it is a fit case to quash the proceedings against the petitioner in the above PRC.

Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner in PRC No.14 of 2015 on the file of the I Additional Judicial Magistrate of First Class at Jagtial, Karimnagar District. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 26.4.2016
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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 26.4.2016

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