

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6866 of 2013

ORDER :

The petitioners are A-4 and A-5 in C.C. No.391 of 2009 on the file of Judicial Magistrate of the First Class, Bhodhan. The crime registered is for the offences punishable under Sections 324, 498-A read with 34 I.P.C and Sections 4 and 6 of the Dowry Prohibition Act in Crime No.110 of 2008 of Worni Police Station. The averments in the report dated 24.08.2008 of the defacto-complainant in registering the crime discloses that her marriage with A-1, Ajay, was performed in the year 1996 and at the time of marriage a sum of Rs.5,00,000/- amount, 50 tolas gold, 150 tolas silver given towards dowry by her father and subsequent to the marriage two years she was treated well and thereafter with a demand to meet additional dowry by her husband Ajay(A-1), father-in-law Rajgopal Rao(A-2), mother-in-law Kirankumari(A-3), sister (A-4) and her husband Rama Krishna (A-5), many a time physically and mentally tortured her and she brought to the notice of her father, who with great difficulty during the years 2001 to 2004, Ac.6-00 of land given as additional dowry and even subsequently though they assured to treat her well, the accused persons many a time, physically and mentally tortured and A-4 and A-5 in particular were threatening over phone by creating mental torture, that some time later her father with village elders like Veerraju raised a dispute, where A-1 to A-5 supra assured to treat her well and however on that night the above persons again revolted on her and reiterated and spoiled the mind of her husband by keeping him away to her conjugal life and she brought the same to her notice and while so on 28.03.2008 at about 12.00 noon when she came to enquire about whereabouts of her husband and to ask

to send her husband for marital life through her father and brother by reached the in-laws' house, there all not disclosing the whereabouts of her husband, her mother-in-law and father-in-law beat her and necked her out and she sustained injuries and hence to take action.

2) From the very report the so called incident dated 23.08.2008 of attack on her physically is by her father-in-law and mother-in-law and not by A-4 and A-5, sister-in-law and sister's-in-law husband even from the police investigation and final report only A-1 to A-3 are residents of S.N.Puram of Worni Mandal of Nizamabad District where the crime registered and the defacto-complainant is also of same village, whereas the A-4 and A-5 are working and residing at Singareni Collieries of Khammam District at Illendu at a far of place and there is nothing to show their presence muchless participation for alleged beating. Even coming to any other role of A-4 and A-5 who are the quash petitioners, there is nothing to say any specific instance even in the so called threatening by phone calls, no dates or particulars or even particulars of phone calls given as to from which number and there is nothing even from the police investigation in the final report, but for improvement to her statement during investigation for A-2 and A-3 beat, in mentioning as if A-2 to A-5 beat.

3) Having regard to the above, there is no accusation worth with any specific allegations against the petitioners/A-4 and A-5 to the crime but for if at all against A-1 to A-3.

4) In the result, the criminal petition is allowed and all the proceedings in C.C. No.391 of 2009 on the file of Judicial Magistrate of the First Class, Bhodhan in respect of petitioners/A-4 and A-5 are hereby quashed. The bail bonds of the

petitioners/A-4 & A-5, if any, shall stand cancelled. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:07-01-2016

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