

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4255 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-1 to A-5 in Crime No.71 of 2015 on the file of Kirlampudi Police Station registered for the offences punishable under Section 498-A, 494, 506 read with Section 34 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

A perusal of the material on record reveals that the 2nd respondent, who is complainant, filed a private complaint before the Judicial Magistrate of First Class, Prattipadu and the learned Magistrate had forwarded the same under Section 156 (3) Cr.P.C. to Kirlampudi Police Station for investigation and report. Basing on the said reference, the Kirlampudi Police Station registered the same as Crime No.71 of 2015 for the offences punishable under Section 498-A, 494, 506 (2) read with Section 34 IPC. It is alleged in the complaint that the marriage of the complainant was performed with the first petitioner/A-1 on 19-02-2014 as per Hindu Rites and Caste Customs and at the time of marriage, the parents of the complainant presented cash of Rs.1,50,000/- and other lanchanams. After joining the first petitioner/A-1, the complainant was subjected to harassment and cruelty for additional dowry in the hands of the petitioners/A-1 to A-5. It is further alleged that since the complainant is unable to give birth to children, the petitioners/A-1 to A-5 in a conspired mind obtained signatures of the complainant and her parents on some papers by threatening them with dire consequences and that all the petitioners demanded

the parents of the complainant to perform the marriage of the first petitioner/A-1 with the younger sister of the complainant, for which they refused. It is further alleged that the complainant came to know that the first petitioner/A-1 had remarried another lady of Keshavaram village on 25-01-2015 at Rajahmundry, while the marriage of the complainant with him was in subsistence, and thus committed the alleged offences.

Even if the allegations are taken as true and correct, a prima facie case is made out against the petitioners herein. The truth or otherwise of the allegations mentioned in the complaint will have to be decided during the course of investigation, but not at this stage. However, learned counsel for the petitioners stated that the petitioners are apprehending of their arrest in view of the pendency of the crime.

Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners, the Kirlampudi Police Station is directed to complete the investigation, without arresting the petitioners/A-1 to A-5, to find out the truth or otherwise of the contents of the complaint and file final report into the Court. The second respondent is at liberty to take recourse to appropriate remedy against the said final report if she is aggrieved by the same.

With the above directions, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 23-02-2016

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