

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.6816 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/A4 seeks to quash the proceedings in C.C.No.30 of 2013 on the file of Additional Junior Civil Judge, Ponnur, Guntur District wherein himself and other accused were charge-sheeted for the offences under Sec.420 and 498-A r/w 34 IPC and Sec.3 & 4 of D.P.Act.

2) A.1 is the elder brother and A.2 and A.3 are the parents of petitioner/A.4. The *defacto* complainant is the wife of A.1, on whose complaint, the police of Ponnur Town PS, Guntur District registered a case in Crime No.106 of 2012 for the offence under Sec.420 & 498-A r/w 34 IPC and Sec.3 & 4 of D.P.Act against A.1 to A.4 and after investigation laid charge sheet against all the accused. Sofaras petitioner/A.4 is concerned, the specific allegation against him is that in the matter of demanding additional dowry by A.1, the other accused including A.4 supported his elder brother and on one occasion i.e, on 14.06.2011, petitioner/A.4 who was working at Bangalore telephoned to *defacto* complainant and abused her and threatened with dire consequences if she did not give divorce to his brother and he also threatened that he would tarnish the prestige of her parents.

3) Heard both sides.

4) Turning down the above allegations as false and baseless, learned counsel for petitioner sought for quashment on the argument that the petitioner tried to rope in as many relations of A.1 as possible to cow-down him to her dictates and the allegations levelled against the petitioner/A.4 are general and omnibus in nature without any substance in them and therefore, proceedings may be quashed against him as continuance would amount to sheer abuse of process of Court. He relied upon several decisions.

5) Learned counsel for 2nd respondent/*defacto* complainant opposed the petition stating that the allegations are clear and substantive showing the complicity of the petitioner/A.4 and therefore, the petition has to be dismissed.

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

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

7) **POINT:** I find force in the submission of learned counsel for 2nd respondent/*defacto* complainant. When the FIR, charge-sheet and 161 Cr.P.C statements of the *defacto* complainant and other witnesses are perused, the allegations levelled against the petitioner/A.4 are not

general or omnibus but specific and poignant, *prima facie* showing his complicity in the offence. It is alleged that he supported his brother in the matter of harassing his wife and on 14.06.2011 he telephoned to her and abused her indiscriminately and threatened her with dire consequences if she failed to give divorce to her husband. In my considered view, this allegation which narrates specific event with date cannot be regarded as a general or omnibus one. No doubt, the veracity of the allegation can be decided only after trial. So at this stage, the allegation cannot be brushed aside to consider the request of the petitioner. The cardinal principle laid down by the Apex Court in ***State of Haryana vs. Ch.Bhajan Lal***^[1], for entertaining a quash petition is that even if the prosecution case is accepted on its face value, if no case is made out against the petitioner, then the proceedings against such petitioner can be quashed. However, that is not the case here. The petitioner cited number of decisions but having regard to the *prima facie* case against him, they are of no avail to him.

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

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

U. DURGA PRASAD RAO, J

Date: 08.08.2016

SCS

[\[1\]](#) AIR 1992 SC 604