

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1778 OF 2016

ORDER:

This petition is filed, under Section 482 Cr.P.C., to quash the proceedings in F.I.R.No.642 of 2015 of Jawaharnagar Police Station, Cyberabad, registered for the offence punishable under Section 498-A I.P.C.

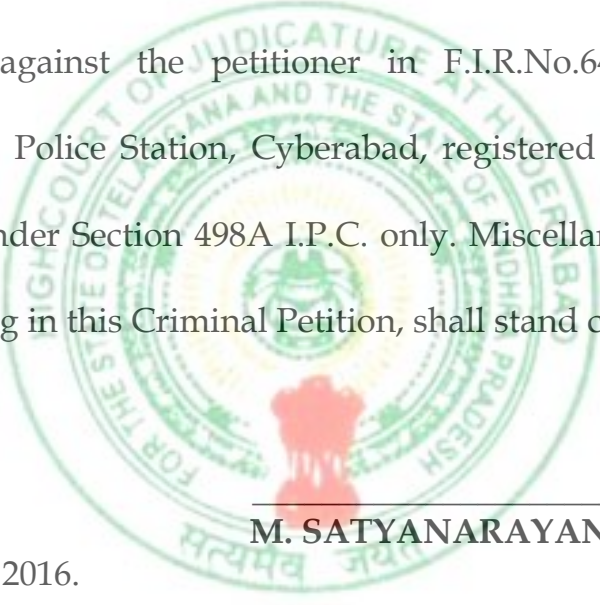
2. Respondent No.2 – *de facto* complainant lodged a complaint before the police on 24.12.2015 alleging that her marriage with the petitioner - accused took place on 31.01.1996 in the presence of elders and at the time of marriage, her parents gave Rs.4,50,000/- towards dowry. They lived happily for one year. Thereafter, the petitioner started harassing her demanding that she should be as per his wish. They were blessed with two children, aged 12 years and 7 years, respectively. Four years after the marriage, they left to U.S.A. and resided there for 15 years. Even during stay at America, he used to harass her, both physically and mentally, without any reason, and used to beat her everyday. He also used to harass her demanding money and after coming down to India also, he subjected her to cruelty for her failure to meet the demand for payment of Rs.40,000/- and abused and beat her. On the strength of above complaint, police registered the present crime against the petitioner for the offence punishable under Section 498-A I.P.C.

3. Section 498-A I.P.C. deals with punishment for subjecting a woman to cruelty by her husband or his relatives. Explanation to the said Section defines 'Cruelty', which means, (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman, or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

4. In the present facts of the case, wilful conduct of the petitioner did not drive respondent No.2 to commit suicide or cause any injury or danger to her life. Therefore, the first limb of cruelty, as defined under Clause (a) of explanation to Section 498-A I.P.C., would not attract. The specific allegation in the complaint is that the petitioner demanded for payment of Rs.40,000/- and when respondent No.2 failed to meet the said demand, he abused her and beat her, but that would not attract even Clause (b) of explanation to Section 498-A I.P.C., since the said demand was not in connection with marriage and that apart, they lived together for 19 years i.e., four years in India and 15 years in U.S.A. If the petitioner used to harass respondent No.2, both physically and mentally, at best, it attracts the offence punishable under Section 323 I.P.C., but as on today, the facts on hand would not fall within the ambit of cruelty,

as defined in the explanation to Section 498-A I.P.C. Therefore, the police cannot go on investigate into the offence punishable under Section 498-A I.P.C. against the petitioner, since the allegations made in the complaint would not constitute *prima facie* offence punishable under Section 498-A I.P.C. on the face value of it. Hence, I find that registration of present crime against the petitioner for the offence punishable under Section 498-A I.P.C. is liable to be quashed.

5. In the result, the Criminal Petition is allowed quashing the proceedings against the petitioner in F.I.R.No.642 of 2015 of Jawaharnagar Police Station, Cyberabad, registered for the offence punishable under Section 498A I.P.C. only. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.



M. SATYANARAYANA MURTHY, J

December 13, 2016.
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