

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.7566 OF 2015

ORDER:

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This Criminal Petition is filed by the accused No.6 under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.262 of 2015 pending on the file of I Additional Judicial First Class Magistrate, Kadapa for the offences under Sections 498-A, 506, 384, 312 IPC and Sections 3 & 4 of Dowry Prohibition Act.

The de facto complainant-second respondent herein is the wife of A.1 and the petitioner herein is his sister. The complainant lodged a complaint on 17.12.2014 alleging that her husband-A.1 and his family members including the petitioner herein harassed her and demanded to bring additional dowry and on that account, she was subjected to cruelty and harassment by all the accused.

Heard and perused the material available on record.

In support of the contents of the complainant, the complainant in her statement as L.W.1 stated that the petitioner herein also demanded for additional dowry along with her father. Admittedly, the petitioner herein is a Non-Resident Indian and that she is in United States of America from 2012. She came to India only on 16.4.2013 for the purpose of attending the marriage of her brother-A.1 that took place on 29.5.2013 and thereafter, she left India on 14.6.2013. Hardly, the petitioner stayed in the house of A.1 for a period of 15 days after the marriage. It is also evident from the charge sheet, the complainant and A.1 left the matrimonial home for sometime immediately after the marriage.

Even assuming for a moment that the allegations in the complaint are true, the alleged harassment demanding for additional dowry etc., took place in June, 2013, but whereas, the complaint was lodged on 17.12.2014. Further with regard to the allegation of demand of additional dowry by the petitioner, who is none other than the co-sister of complainant, no specific dates or any occasion on which the alleged demand and the harassment made by the petitioner were stated either by L.W.1 or by L.Ws.11 & 12 in their statements. In the circumstances, it is highly improbable to believe that within a period of 15 days, the petitioner herein harassed the complainant and left India. Further there is an inordinate delay in lodging the complaint to the extent of harassment meted out by the petitioner herein. In the circumstances, this Court is of the view that no offence is made out against the petitioner herein as alleged and the impugned proceedings as against the petitioner are liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in C.C.No.262 of 2015 pending on the file of I Additional Judicial First Class Magistrate, Kadapa are hereby quashed as against the petitioner herein. It is made clear that the observations made by this Court will not come in the way of trial against the other accused and the trial Court is directed to dispose of the case as early as possible.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

11.04.2016

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