

**THE HON'BLE SRI JUSTICE U.DURGA PRASAD
RAO**

Criminal Petition No.12542 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioner/A2 seeks to quash the proceedings against her in C.C.No.60 of 2013 on the file of XIV Metropolitan Magistrate, at L.B.Nagar, Ranga Reddy District, wherein the petitioner and A.1, who is her son were charge sheeted by the police for the offences under Sec.498-A, 506 IPC.

2) The *defacto* complainant is the wife of A.1. She lodged complaint against the A.1, his mother i.e, A.2 and his sisters and their husbands who are A.3 to A.8 alleging that ever since the marriage between her and A.1 held in September, 2005, all the accused harassed her for additional dowry and even after she gave birth to a daughter and son, their harassments not mitigated and further, A.1 addicted to vices and in her absence brought a girl to his house on one night and on knowing the same when the petitioner, her brother and uncle went and raised galata, the A.1 beat her brother and tried to push him from the balcony. With those and some other allegations, she lodged complaint with W.P.S. Saroornagar and after investigation police laid charge-sheet against A.1 and A.2 but exempted A.3 to

A.8 stating that their involvement was not proved.

Hence the instant petition by the petitioner/A.2.

3) Heard both sides.

4) Denying the charge sheet allegations, learned counsel for petitioner referring the photograph of the petitioner/A.2 filed along with the petition, argued that even according to the charge sheet, the petitioner is an old lady of 75 years and she has been suffering with severe old age ailments and she cannot even stand without the help of a stick and as such it is highly improbable that she ever harassed her daughter-in-law for additional dowry or for any other reason. Learned counsel vehemently argued that petitioner/ A.2 never interfered in the marital affairs of A.1 and the *defacto* complainant and even according to the statement of LW.6—Smt.Pushparam, who is the house owner of A.1, the petitioner/A.2 used to go to their house very rarely and she never scolded or harassed the *defacto* complainant and in view of her statement, it is crystal clear that the petitioner has not caused any ill-treatment or harassment to the *defacto* complainant and she was falsely implicated in the case. He submitted that continuation of the proceedings against such a septuagenarian lady who cannot even stand without the help of a stick would amount to abuse of process of the Court and thus prayed to quash the

proceedings.

5) Per contra, opposing the petition, learned counsel for R.2/*defacto* complainant by referring the charge sheet allegations argued that the case against petitioner/A.2 is very much established inasmuch as the charge sheet and statements of the witnesses would show that the petitioner/A.2 along with her daughters harassed the *defacto* complainant for additional dowry and further, when once A.1 met with accident and discharged from hospital, petitioner/A.2 and other accused abused *defacto* complainant as if because of her only A.1 met with accident and unable to bear their torture, the *defacto* complainant tried to commit suicide and in that context, she was hospitalized for some days. In view of those background facts, the petitioner/A.2 does not deserve quashment of proceedings. He further submitted that the *defacto* complainant filed DVC No.14 of 2012 before the VII Metropolitan Magistrate, Cyberabad at Hayathnagar and in that case an interim maintenance was granted to her and her children and A.1 has not paid even a single pie and now the petitioner/A.2 filed the present application to further harass the complainant. He thus prayed to dismiss the application.

6) Learned Public Prosecutor also argued in the same lines.

7) In the light of above rival submissions, the point for determination is:

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

8) **POINT**: A perusal of the complaint, a copy of which is available in the material papers submitted by the petitioner would show that two allegations were made so far as petitioner/A.2 is concerned. Firstly, that within six months after the marriage of the *defacto* complainant with A.1, A.2 and her daughters harassed the complainant for additional dowry. Next, it is alleged that her husband was met with accident and discharged from hospital on 08.06.2009 and thereafter A.2 and her daughters started abusing the complainant as if her son was met with accident only because of the complainant. The other allegations are mainly aimed against the A.1 but not against A.2 and other accused. Be that as it may, the allegations against A.2 are concerned, they relate to the period quite a long time prior to the lodging of FIR and it appears no action was initiated against the A.2 and others within reasonable time after the alleged incidents took place. It is quite improbable that when A.2 and other accused abused the complainant as if she was responsible for A.1's accident and she attempted to commit suicide, she or her relations did not initiate any action against the

accused at that juncture. Another improbability is that, according to LW.6, A.2 used to visit the house of A.1 and complainant very rarely and she never abused or harassed the complainant. This statement shows that petitioner/A.2 was unnecessarily implicated in the case by making omnibus allegations. Above all, a perusal of the photograph of the petitioner/A.2 which is available in the material papers would show that she is an aged lady of more than 70 years and she is unable to stand without the help of a stick. For such a woman, it is quite improbable to harass young daughter-in-law. So the facts and circumstances would show that petitioner/A.2 was unnecessarily implicated in the case and continuation of the proceedings against her would amount to abuse of process of the Court as rightly submitted by the learned counsel for petitioner.

9) In the result, this Criminal Petition is allowed and proceedings against petitioner/A.2—M.Yadamma in C.C.No.60 of 2013 on the file of XIV Metropolitan Magistrate, at L.B.Nagar, Ranga Reddy District are quashed.

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

U.DURGA PRASAD RAO, J

Dt: 01.06.2016
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