

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 4027 of 2013

ORDER:

Heard both sides.

2. This petition is filed by petitioners/A2 & A3 seeking to quash the proceedings in CC No. 233 of 2013 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally whereunder the petitioner along with A1 charge sheeted for the offence under Section 498-A R/w with 34 IPC and Sections 4 & 6 of Dowry Prohibition Act.

3. The marriage between the de-facto complainant and A1 took place on 22.08.2008 at TTD Kalyana Mandapam, Kurnool District. At the time of marriage the petitioner was working as software engineer in Satyam Computers and later she joined as Assistant Professor in Jyothishmathi Engineering College, Shameerpet, Hyderabad. Her case is that her parents performed her marriage by giving dowry and other paraphernalia. After marriage she along with her husband came to Hyderabad on 16.3.2008 and set up their family. Her husband used to work in Reliance Broadband services but he never gave salary to her. On the other hand, he sold away her gold chain and bracelet

for his lavish needs and also started mortgaging other gold ornaments without her notice for paying house rents, purchasing furniture and maintaining the house. Within few months of marriage himself and his parents started harassing physically and mentally without any valid reasons. The complainant came to know that her husband was engaged in antisocial activities like preparing fake certificates and selling them. Since August 2008 he increased his harassment against her and causing mental and physical torture for additional dowry and his parents also instigated him to torture her. She shifted her house from Sanath Nagar to Alwal but there was no change in her husband and parents-in-law and they were demanding additional dowry from her parents. On 24.10.2005 her husband hit on her shoulder with an iron box and pushed her on the gas stove due to which she suffered injuries on her ear. After due investigation the police filed charge sheet and the case was taken cognizance and registered as CC No. 233 of 2013.

4. Learned counsel for petitioners/A2 & A3 submitted that except a general statement that the petitioners instigated the first accused to make a demand for

additional dowry, no specific averments were made against them and in view of such general allegations which are false and also for the reason that petitioners/A2 and A3 never resided with their son and daughter-in-law, the petition may be allowed and proceedings may be quashed against the petitioners.

5. Learned counsel appearing for the respondent/complainant opposed the petition stating that the petitioners harassed the de-facto complainant for additional dowry and they also pressurized her to change her job and in view of the same, the police after investigation laid the charge sheet against them and A1 and prayed to dismiss the petition.

6. The point that arises for consideration is whether there are any grounds to allow the Criminal Petition.

7. As can be seen that the main allegation against the petitioners is that they instigated their son to demand the complainant to pay additional dowry to them. It is seen that the police laid charge sheet and the case is numbered as CC No. 233 of 2013 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally. In these circumstances, it is not a fit case to quash the proceedings. If the petitioners/A1 & A2 are advised they

can move the trial Court by way of an appropriate application to discharge them and upon such application, the trial Court shall dispose of the same on merits. Considering the request of the petitioners and also observing that petitioners are aged persons viz., 63 and 60 years as per charge sheet, the appearance of the petitioners/A2 & A3 before the trial Court is dispensed with except on the occasions when the trial Court specifically requires their attendance.

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

U.DURGA PRASAD RAO, J

Date: 15.03.2016

KA