

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.2602 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioners/A.3 and A.4 seek to quash the proceedings in C.C.No.346 of 2010 on the file of Additional Judicial First Class Magistrate, Gudivada, Krishna District wherein petitioners and other accused were charge sheeted for the offences under Sec.498-A and 420 IPC.

2) The *defacto* complainant is the wife of A.1; A.2 is the mother and A.3 is the sister of A.1; A.4 is the husband of A.3 and A.5 and A.6 are the relations of A.1 to A.3. Accused are residents of Palvanha in Khammam District whereas the *defacto* complainant belongs to Pamarru in Krishna District. The *defacto* complainant lodged report in Pamarru P.S alleging that while she was studying Engineering Course in V.R. Siddhartha Engineering College, Vijayawada, A.1 followed her and induced her to marry and believing his inducements and threats that if she does not marry him he would commit suicide, she followed him to Palvanha and both of them married on 07.01.2010 at Kothagudem and thereafter intimated to the relations of both sides. When the parents of *defacto* complainant came to Palvanha, he made a false statement as if he was working as Manager in Idea Cellular Company. On behalf of A.1, A.5 and A.6 were introduced as their Uncle and Aunt and all the accused

demanded dowry of Rs.2 Lakhs for again performing the marriage of A.1 and *defacto* complainant. On their demand her parents gave dowry of Rs.2,00,000/- and Rs.50,000/- as Aadapadachu lanchanam and performed the marriage on 02.04.2010 at Pamarru. Thereafter the *defacto* complainant joined A.1. For few days they lived happily and thereafter all the accused started harassing her both physically and mentally by demanding additional dowry of Rs.5,00,000/-. A.1 used to beat her indiscriminately with his boots and not providing her food. He was suddenly waking up her in midnight and demanding additional dowry of Rs.5,00,000/-. A.1 was not allowing her to his room and closing the doors of his room. A.2 to A.4 used to terrorize and tried to kill her. They were harassing her mentally and physically. A.5 and A.6 also supported the other accused. When the *defacto* complainant informed her plight to her parents, they came along with some elders and all of them requested the accused to look after the complainant in a proper manner. Even then there was no change in the attitude of the accused. On 20.05.2010, A.1 forcibly sent away the *defacto* complainant to her parents. The police registered Crime No.57 of 2010 for the offence under Sec.498A IPC and after investigation filed charge sheet against the accused for the offences under Sec.498-A and 420 IPC.

Hence, the instant application by A.3 and A.4.

3) Notice sent to R.1/*defacto* complainant returned as

refused. Hence, heard learned counsel for petitioners and learned Public Prosecutor for the State.

4) Denying the charge sheet allegations, learned counsel for petitioners argued that 3rd petitioner is the married sister of A.1 and herself and her husband are living separately at Chakali Bazar, Palvanha whereas A.1 is residing in a different place i.e, at Indira Nagar, Sai Nagar Colony, New Palvoncha which is far away from the house of the petitioners and further, the petitioners have nothing to do with the family affairs of A.1 and *defacto* complainant and they were unnecessarily implicated in this case only to harass them. Learned counsel submitted that the *defacto* complainant implicated them also in DVC No.13 of 2012 which is pending on the file of Additional Judicial First Class Magistrate, Gudivada, Krishna District. He further argued that except the general and omnibus allegations, no specific overtacts are attributed against the petitioners and therefore, continuation of the proceedings against them would amount to abuse of process of the Court. He thus prayed to allow the petition.

5) Learned Public Prosecutor opposed the petition stating that petitioners are residing in the same town and they also joined other accused in harassing the *defacto* complainant for additional dowry.

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

“Whether there are merits in this petition to allow”

7) **POINT:** As can be seen from the FIR and charge sheet, the main allegations of harassment and cruelty are directed by the complainant against A.1 only. There is a casual reference of the petitioners/A.3 and A.4 to the effect that they used to terrorize the *defacto* complainant stating that if she dies there are brides to offer Rs.10,00,000/- dowry to A.1 and in that manner they allegedly harassed her. It is also mentioned as if A.2 to A.4 tried to kill her. These allegations can be called as omnibus allegations for the reason that no specific date of incident or other details are given. Further, admittedly no proceedings were initiated against A.2 to A.4 if they attempted on her life. Admittedly the 3rd petitioner/A.3 is a married sister of A.1 and 4th petitioner/A.4 is her husband and they are living separately at a far off place in the same town. In these circumstances, the allegations against them can be said as inherently improbable. Therefore, continuation of the proceedings against them in the opinion of this Court would amount to abuse of process of the Court.

8) Accordingly, this Criminal Petition is allowed and proceedings in C.C.No.346 of 2010 on the file of Additional Judicial First Class Magistrate, Gudivada, Krishna District insofar as petitioners/A.3 and A.4 are concerned, quashed.

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

U.DURGA PRASAD RAO, J

Dt: 21.06.2016

SCS