

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4549 of 2013

ORDER :

This Criminal Petition is filed by the petitioners/ accused Nos.1 to 8, under Section 482 Cr.P.C to quash the proceedings in Crime No.73 of 2013 of Women Police Station, North Zone, Begumpet, Hyderabad for the offences punishable under Sections 498-A, 420, 506, 120-B read with Section 34 IPC, which is outcome of private complaint of 2nd respondent —de facto complainant by name Smt.Afreen dated 15.04.2013 that was referred to the police supra under Section 156 (3) Cr.P.C by the learned XV Chief Metropolitan Magistrate for registering the FIR and to investigate against eight accused viz., accused No.1—husband of defacto complainant, accused Nos.2 & 3 are parents-in-law of defacto complainant, accused No.4 & 5 are brothers of accused No.2, accused Nos.6 is sister-in-law of accused No.1, accused Nos.7 & 8 are the unmarried sisters of accused No.1.

2) In the private complaint, there are six witnesses shown viz., the defacto complainant, her mother, two brothers and two other persons by name Khaleed Khan and Rafeeq as independent witnesses. There are no documents enclosed to the complaint either any earlier police report and not taking of action or any exchange of notices or any other proceedings *interse* between the couple. It is requested in the very complaint to refer to police for investigation under Section 156 (3) Cr.P.C and there is no any reasoned order of the Court for referring to the police.

3) Leave it as it is, the contents of the private complaint of the defacto complainant referred supra, read that the marriage of defacto complainant was performed with A-1 on 16.05.2005 at Sridhar Function Hall, Khairtabad, Hyderabad as per Sunni Muslim Law and Customs, arranged through elders. In arranging the marriage, it was pretended as if A-1 is well educated and having cloth business as proprietary concern, by name Sapna Embroidery Shop situated in Lad Bazar, Charminar with

earnings of Rs.1,50,000/- per month besides own house with no responsibility. After due enquiry, the parents of defacto complainant agreed for the marriage, upon which, the A-1 to A-8 demanded Rs.10,00,000/- as dowry, 55 tulas of gold ornaments and huge jehaz articles. The parents of defacto complainant met the same besides Rs.8,00,000/- cash for marriage expenses.

4) It is further averred that after the marriage, the defacto complainant joined the company of A-1 at the house of A-2 and A-3 and they lead happy marital life for a couple of days, however later A-1 to A-8 started ill-treating the defacto complainant including in saying the dowry and jehaz articles brought by her are not suffice and they used to make sneering remarks over the jehaz articles and further accused Nos.2 to 5 forcibly took away all her gold ornaments and kept in the custody of accused Nos.4 & 5, who did not even allow her to attend any function and that accused persons started ill-treating the defacto complainant, as if maid servant, without even providing minimum necessities to her and insisted her to do entire household work and not caring her even she is carrying by ill-treating her to bring additional amounts from her parents. It is further averred that the couple are blessed with a female child on 02.09.2008 and for that all the accused abused her saying that they wanted male child, but blessed with a female child. For her inability to bear with their ill-treatment, there was a meeting through elders, where accused persons assured to look after her properly along with minor daughter. However, they did not change their attitude and started demanding to meet additional dowry of Rs.10,00,000/- for expansion of the so-called business of A-1. At the instigation accused Nos.4 & 5 all the other accused beat the defacto complainant mercilessly for expressing the inability of her parents to meet the additional dowry.

5) It is also averred that A-1 developed extra marital relationship with A-6, who was even caught red handed by defacto complainant and informed to other accused and on knowing the same, A-

2 to A-5 threatened her with dire consequences stating that if she reveals the same before anybody, they will kill her and create it as if suicide and by saying A-1 is a male person and live as he likes. They were also picking up quarrels on petty issues and harassed her physically and mentally and A-1 beat her mercilessly acting to the tunes of other accused stating that she is not a suitable match to him and they want to perform another marriage to A-1 for more dowry. A-4 pledged the gold ornaments of the defacto complainant and invested in his cloth business and when the complainant demanded for her gold ornaments, they threatened to get rid of her from A-1, unless she should obey to them and A-2 and A-3 were abusing her in vulgar language even on petty issues and she was ultimately driven out with the female child from the marital home by keeping all her belongings saying not to come back to marital house without meeting the demand of additional dowry supra and the efforts made through elders by parents of complainant many a time could not fructify for their refusal to allow her to join back A-1 without meeting additional demand. It is also averred that they got political clout and could get managed through A-4 & A-5, the police with no action and hence to refer the complaint to police for investigation.

6) It is impugning the same, all the accused filed the present quash petition with contentions in the grounds of quash petition while denying the complaint averments of giving of any dowry or demanding of any additional dowry or her bringing of any jewellery and their retaining of the same or any of their threatening her to do away or of they sent her out by saying not to enter without meeting additional dowry or any abuses by them much less for she gave birth to female child. It is contended that the defacto complainant was divorced by A-1 by pronouncement of Talaq on 22.08.2010 and the same was communicated through Qazi and she suppressed the factum of pronouncement of Talaq and total severing of the ties with accused persons family way back in the year 2010 and it was she that left the company of A-1 on 14.05.2010 and after lapse of three years of her

leaving the company of A-1 and his family members, the present complaint is filed falsely with an improbable, unprudent version and false version even all the accused persons are innocent and the FIR allegations are not only false but also in blackmailing them and hence to quash the same.

7) The certified copy of divorce dated 22.08.2010 was said to have obtained only on 27.04.2013 from the A.P. State Wakf Board and there is nothing even to say any notice issued by pronouncement of talaq or there is any communication including for any appearance before Quazi or otherwise of bringing to her knowledge to give any sanctity to it, much less to say, three years after alleged divorce she has engineered the allegations.

8) There is no dispute on the factum of all the accused persons are living together in same premises, Road No.11, Banjara Hills, Hyderabad. Even the quash petitioners' address reflects the same but for to say there are no specific much less worth allegations against A-5, A-7 and A-8. So far as the other accused are concerned, from there are allegations, thereby there are no grounds to quash the criminal proceedings.

9) Accordingly and in the result the Criminal Petition is allowed in part, by quashing the proceedings in Crime No.73 of 2013 of Women Police Station, North Zone, Begumpet, Hyderabad which is pending investigation so far as against A-5, A-7 and A-8 are concerned. So far as A-1 to A-4 and A-6 concerned from there are allegations in the FIR, which is under investigation, the Criminal Petition is dismissed.

10) Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.22.04.2016

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