

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15027 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in Cr.No.61 of 2016 of Women PS, Vizianagaram registered against the petitioners for the offence punishable under Section 498-A of Indian Penal Code, 1860 (for short 'IPC') and Sections 3 and 4 of Dowry Prohibition Act, 1961.

The main allegation made in the complaint by the second respondent is that she was subjected to harassment by the petitioners demanding additional dowry.

As seen from the material on record, there was a registered correspondence between the parties i.e. legal notice dated 22.08.2016 got issued by the first petitioner to Modem Chandrika, who is the second respondent herein, Modem Nageswara Rao, Purru Delhi Prasad and Purru Chennakesavulu, wherein the first petitioner asserted that he is not willing to join with the second respondent/ *de-facto* complainant, to lead marital life specifically. It shows that the first petitioner was away to the *de facto* complainant in connection with employment at Bangalore. The other petitioners are residents of Rayachoty Village, Kadapa District. However, the address particulars of the first petitioner given in the petition is that he is resident of Rayachoty Village, YSR Kadapa, but not at Bangalore.

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Therefore, the contention of the petitioners that no incident took place at Vizianagaram and subjecting her to cruelty for her failure to meet their illegal demands is not *prima facie* made out. Hence, the proceedings in Cr.No.61 of 2016 of Women Police Station, Vizianagaram, cannot be quashed, while exercising power under Section 482 Cr.P.C.

However, the Women Police Station, Vizianagaram, is directed to follow the procedure provided under Section 41-A IPC and the guidelines issued by the Apex Court in **ARNESH KUMAR V. STATE OF BIHAR**¹ before effecting the arrest of the petitioners.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 24.10.2016
BV

¹ 2014(2) ALT (Crl.) 457 (SC)