

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.76 of 2012

ORDER

This petition under Section 482 Cr.P.C., is filed by the petitioner/A1 seeking to quash the proceedings in C.C.No.351 of 2008 on the file of VI Additional Judicial First Class Magistrate, Warangal, registered for the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. The case of the prosecution is that the marriage of victim, by name Vijaya Lakshmi, was solemnized with A1 on 04.06.1999 as per their caste and customs and they lived happily for about 15 days. It is alleged that A1 took the victim to USA, where he started harassing her physically and mentally by demanding additional dowry. The victim completed her Masters Degree in Physiotherapy by borrowing amounts from her relatives. At that time, A2 and A3 visited USA, where all the accused continued their harassment for additional dowry. A1 had illicit contacts with other women at USA. The victim gave birth to a female child and since then, A1 to A4 increased their harassment and finally necked her out from the matrimonial house along with baby. Hence, the father of the victim lodged a complaint against the accused. After investigation, police filed charge sheet against the accused for the offence punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, 1961.

3. Since A1 was residing in USA, NBW was pending against him and the case was proceeded for trial against A2 to A4. After considering the evidence of prosecution witnesses and the material on record, the trial Court found A2 to A4 not guilty of the offence punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, 1961 and acquitted them for the said offences by judgment dated 20.04.2011 in C.C.No.351 of 2008.

4. Heard and perused the material on record.

5. As per the complaint and the charge sheet, the marriage of the victim with A1 was solemnized on 04.06.1999 and the alleged harassment for dowry was made at USA and not in India. It is stated that during pendency of the case before the trial Court, the victim filed an application before the Court at California for dissolution of marriage and the same was ordered by the Competent Court on 02.08.2007. Despite dissolution, the father of the victim proceeded with the complaint which was filed in the year 2007. Since NBW was pending against A1, the trial Court proceeded with the matter against A2 to A4 and acquitted them, by judgment dated 20.04.2011 in C.C.No.351 of 2008, on the ground that the allegations against them do not attract the offences punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act. During trial, the victim did not appear before the Court and depose against the accused with regard to the alleged harassment. It appears that

the victim is not interested in prosecuting the matter. As seen from the record, except the allegations in the complaint, there is no corroborative evidence to support the alleged harassment of dowry by A1. As regards the alleged illegal contacts of A1 with other women, no material is produced before the Court. Therefore, this Court is of the view that continuation of criminal proceedings against A1 would amount to an abuse of process of the Court.

6. In view of the aforesaid reasons, the Criminal Petition is allowed and the proceedings in C.C.No.351 of 2008 on the file of the VI Additional Judicial First Class Magistrate, Warangal, are quashed against the petitioner/A1. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

13th October, 2016
sj

RAJA ELANGO, J

