

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 8073 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. by the petitioners to quash the proceedings against them in C.C.No.103 of 2011 on the file of Judicial Magistrate of First Class, Palakonda, Srikakulam District, for the offences punishable under Section 498A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. Brief facts in the complaint are that the marriage of defacto complainant with accused A1 was performed on 24.10.2008 at Higher Memorial Lathered Church, Sheelanagar of Visakhapatnam, as per Christian caste customs. At the time of marriage, her parents gave an amount of Rs.5 lakhs towards dowry and presented 3½ tolas of gold ornaments and other articles to the accused. After her marriage, A1 started harassing her mentally and physically by coming to house in drunken stage, demanding to bring additional dowry of Rs.10 lakhs from her parents and also to register the house site situated at Palakonda in his name. A2 and A3 supported A1 and pressurised the complainant to bring additional dowry of Rs.10 lakhs and if she fails to bring the same, they threatened that they would perform another marriage to A1. The allegation against A4 is that he used to abuse the complainant for petty reasons on the plea of touching his computer, books etc., and he also used to backbite to

his mother/A3 on the complainant. Unable to bear the torture by the accused, the complainant left her matrimonial home and went to her parents house at Seethampeta and gave a report to the police and the police registered a case in Crime No.12 of 2011 under Section 498A IPC, Sections 3 and 4 of Dowry Prohibition Act, against the accused. Aggrieved by the same, the present criminal petition is filed by the petitioners seeking to quash the proceedings.

3. Heard Sri T. Pradyumna Kumar Reddy, learned counsel for the petitioners, Sri Ramakoteswara Rao, learned counsel representing Sri G.V. Kishore Kumar, learned counsel for respondent No.1; and the learned Public Prosecutor representing the State.

4. Learned counsel for the petitioners contend that the ingredients of Section 498A IPC and Sections 3 and 4 of the Dowry Prohibition Act are not present in this case, and therefore, he seeks to quash the proceedings initiated against the accused.

5. Per contra, it is argued by the learned Public Prosecutor that the allegations in the charge sheet prima facie disclose that the accused harassed the defacto complainant physically and mentally for additional dowry and therefore the question of quashing the proceedings does not arise.

6. A perusal of the complaint and the charge sheet prima facie reveals that there are specific allegations against A1 to A3, and therefore they are not entitled for quashing of proceedings against them.

7. The allegation against accused/A4 shows that he used to abuse the defacto complainant for small and petty reasons on the plea of touching his computer and books and he used to backbite against the complainant with his mother/A3. The allegations made against A4 are not even specific and motivated, and they cannot be considered intentional. Therefore, the allegations made against A4 do not amount to cruelty which comes under the definition of Section 498A IPC. Therefore, the proceedings against A4 can be quashed.

8. In the result, the criminal petition is partly allowed, quashing the proceedings against petitioner/A4 alone, in C.C.No.103 of 2011 on the file of Judicial Magistrate of First Class, Palakonda, Srikakulam District.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J.

05th October 2017
SSP / KSM