

**HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION No.3190 OF 2017**

**ORDR:**

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the proceedings in Calendar Case No.94 of 2016 on the file of the Judicial Magistrate of First Class, Palasa, Srikakulam District, State of Andhra Pradesh.

2. The petitioners herein are arraigned as accused Nos.1 to 6 in the aforesaid Calendar Case. They alleged to have committed the offences punishable under Sections 498-A and 354-C of Indian Penal Code, 1860 (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Heard the petitioner No.1 as party-in-person and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. Petitioner No.1 is the husband of *de facto* complainant, who is respondent No.2 herein; petitioner Nos.2 and 3 are parents of petitioner No.1; petitioner Nos.4 and 5 are sisters of petitioner No.1 and petitioner No.6 is as elder i.e., the mediator, who arranged the marriage. Petitioner No.1 filed the present petition as party-in-person. His submission has been that the *de facto* complainant falsely implicated all of them levelling incorrect allegations and roped his uncle even as accused No.6 and married sisters as accused Nos.4 and

5. It is, according to him, none of them did ever harass respondent No.2. All the allegations are foisted only to harass them. He has also submitted that it is difficult for him to attend the Court at Srikakulam as he is employed and he loses job and, therefore, sought to quash the proceedings against himself and other petitioners.

5. The learned Assistant Public Prosecutor would strongly resist the request contending that the averments as well as the complaint averments would make out a *prima facie* case even at this stage against the petitioners as having committed the offences alleged against them, therefore, sought to dismiss the petition.

6. Perused the complaint and the statements of the witnesses recorded under Section 161 of the Code.

7. The material on record would contain the allegations that the petitioner No.1 and his parents were paid Rs.10.00 lakhs by the parents of *de facto* complainant on the date of marriage towards dowry and her husband started behaving as a psycho and, in fact, the petitioners deceived them stating that her husband was working at Hyderabad, but he was not working and just searching for job. The material also would show that the petitioners started taking video of her naked person in the bedroom without her knowledge or consent and started blackmailing that he would place in Internet and Whats App, and thereby threatened to bring additional dowry and gold from her parents' house , and on one occasion, he even attempted

to throttle her neck, and her parents-in-law and sisters-in-law started hurling satirical comments at her commenting that she belongs to labour community and tortured her by insulting her, and when her father came to take her with him on account of ASHADAM, the petitioners having taken the entire gold given by her parents, sent her asking to bring additional dowry. When the attempts were made to conciliate, petitioner No.6, who is uncle of petitioner and who arranged the marriage, in fact, demanded the *de facto* complainant's father to give divorce and even asked to sign on blank paper which was refused. Even, it is alleged in the complaint that petitioner No.1 went to her house and threatened them to withdraw the present complaint, lest they would pour acid and kill her.

8. In the presence of such serious allegations which would make out *prima facie* case against the petitioners herein, certainly, it is difficult to hold that the petitioners are roped in. These aspects, as could be gathered from the submissions made by the petitioner as party-in-person, constitute disputed questions of fact, which can only be resolved when a full-fledged takes place. Therefore, the present petition is to be dismissed. Keeping in view, that petitioner Nos.4 and 5 are married sisters of petitioner No.1 and also petitioner No.6 being his uncle residing at Chirala town of Prakasham District, it would be appropriate to accede to the request made by the petitioners through the 1<sup>st</sup> petitioner as party-in-person to exempt the appearance of petitioner Nos.4 to 6 i.e., Kolamudi Pavani, Akkala Naga Lalitha and

Gunti Appa Rao, during trial in Calendar Case No.94 of 2016 when the learned Judicial Magistrate of First Class at Palasa takes it up except on the dates when their examination under Sections 239 and 313 of the Code will be taken up and on other occasions, in case learned Magistrate directs them that their presence is absolutely necessary.

With the above observation, the Criminal Petition is dismissed, at the stage of admission itself. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

**April 25, 2017.**  
Mgr

**A. SHANKAR NARAYANA, J**

