

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3389 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner, who is accused No.4, in Crime No.179 of 2011 dated 26.03.2011, on the file of the Visakhapatnam III Town Police Station, Visakhapatnam City.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The petitioner is stated to be a village elder. The allegations against the petitioner, who is the Sarpanch of the village, are that he is supporting the in-laws and the husband of the *de facto* complainant and encouraging and instigating them. Except the said allegation, there is no other allegation against the petitioner. The said allegation cannot fall within the purview of the offence alleged under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, "the Act").

4. In order to attract Section 498-A IPC, there should be harassment in terms of clauses (a) & (b), which is not even, *prima facie*, made out against this petitioner. Sections 3 and 4 of the Act prescribes that there should be a demand of dowry and additional dowry, but such is not the allegation in this case against this petitioner. This court opines that arraying of this petitioner is only to harass him.

5. With the above observations, the Criminal Petition is allowed and the proceedings in Crime No.179 of 2011 dated 26.03.2011, on the file of the Visakhapatnam III Town Police Station, Visakhapatnam City, against the petitioner, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 21, 2017
LMV

T. RAJANI, J

