

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

CRIMINAL PETITION No.12815 of 2010

ORDER:

The petitioners, who are accused Nos.1 to 4, filed this criminal petition to quash the proceedings initiated against them in C.C.No.525 of 2009 on the file of II Additional Judicial Magistrate of First Class, Madanapalle, for the offences under Sections 498-A, 323, 509 I.P.C. read with Section 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'the Act').

2. The brief facts of the case are that respondent No.2, who is the *de facto* complainant, was given in marriage to petitioner No.1/accused No.1 on 11.08.2005. She was looked after well by the petitioners/accused Nos.1 to 4 for three months after the marriage and thereafter, she was harassed physically and mentally. When she delivered a female child on 20.07.2007, she was once again harassed to bring additional dowry. Unable to bear the harassment meted out to her, she filed a private complaint on 19.02.2009 before II Additional Judicial Magistrate of First Class, Madanapalle. The said complaint was referred to the Police under Section 156(3) Cr.P.C. In pursuance of the same, a crime was registered *vide* F.I.R.No.240 of 2009 for the aforementioned offences. After investigation, a charge sheet was filed on 17.12.2009 against all the petitioners for the offences under Sections 498-A, 323 and 509 I.P.C. read with Section 34 I.P.C.

3. A perusal of the contents of the charge sheet shows that specific allegations have been made against the petitioners/accused Nos.1 to 4, which read as under:

“.....After the three months of the marriage, A-1 used to consume liquor heavily without going to his duties and used to beat the LW-1 and harassed her abusing in filthy language. A-2 to A-4 instead of chastising the A-1 used to instigate him to beat the LW-1. On account of harassment and ill-treatment meted out the LW-1, she had

abortion while carrying 6th month pregnancy in the month of March, 2006.

.....The accused A-1 to A-4 used to harass and ill-treat the LW-1 without providing proper food and she was treated as their servant.....

.....The L.W-1 went to the house of the accused in the month of October, 2007 along with her daughter. A-1 to A-4 have intensified the harassment on the ground that she gave birth to female child and demanded her to get Rs.1 lakh from her parents as additional dowry.....

.....While so, on 16-2-2008 all the accused picked up quarrels with the L.W-1 and necked her out from the house putting condition unless she brings Rs.1 lakh from her parents house, she should not re-enter the house.....

.....On the night of 20-7-2008 A-1 having constituting liquors, picked up quarrel and beat the L.W-1 indiscriminately and the accused A-2 to A-4 did not intervene and failed to chastise A-1.....

.....While so, on 24-1-2009 at 6 PM, A-1 to A-4 picked up quarrel with the LW-1 and beat her with hands. The LW-1 unable to bear the ill-treatment and harassment came to her parent's house. The parents of the LW-1 got mediated through elders, but the accused refused to take back her and on the other hand threatened that they will celebrate another marriage to the A-1."

4. In the light of the above said specific allegations, this Court feels that a *prima facie* case is made out for the offences alleged against the petitioners. Therefore, there are no merits in this criminal petition and the same is liable to be dismissed.

5. The Criminal Petition is, accordingly, dismissed.

6. As a sequel, interim stay granted on 24.12.2010 as extended on 14.02.2011, 30.04.2011 and 15.07.2011 is vacated and miscellaneous petitions, if any, pending for consideration stand dismissed as infructuous.

P.KESHAVA RAO, J

06th December, 2017
GHN

