

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1977 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in C.C.No.150 of 2013 on the file of III Additional Munsif Magistrate, Ongole.

2. The petitioner is accused No.4 in the aforesaid C.C. and alleged to have committed the offences punishable under Sections 498A and 509 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

3. Heard Sri K. Srinivasulu, learned counsel for the petitioner, and learned Public Prosecutor for the State of Andhra Pradesh.

4. Learned counsel for the petitioner would draw the attention of this Court to the allegations incorporated in the charge sheet. The Investigating Officer stated in the charge sheet, so far as the petitioner is concerned, that on 29.06.2011, when the *de facto* complainant along with her mother went to the house of petitioner located at Gadikota Village of Giddalur Mandal, where the petitioner alone was present at her house with her bedridden mother, and pleaded the petitioner to stop the extra marital relation with accused No.1, she denied such relation and by picking up quarrel, alleged to have abused the *de facto* complainant and her mother in filthy language. The submission of the learned counsel is none of the offences would attract, for the reason

the petitioner is neither related to accused No.1 nor she made any demand for dowry by instigating accused No.1 or the *de facto* complainant, nor could any ingredient be made out so far as the offence punishable under Section 509 I.P.C. is concerned.

5. Learned Public Prosecutor for the State of Andhra Pradesh would, fairly, concede the submission made by the learned counsel for petitioner by pointing out certain paragraphs in the charge sheet, wherein the Investigating Officer, at one stage, has mentioned that basing on the evidence of LWs.6 and 7, the complicity of accused Nos.4 and 5, amongst whom accused No.4 was the petitioner herein, was not established and therefore, their names were deleted from the list of accused by LW.8. However, the learned Public Prosecutor also points out that the Investigating Officer - Inspector of Police, who laid the charge sheet, again got mentioned that *prima facie* case is made out against accused Nos.1 to 4 for the offences punishable under Sections 498A and 509 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act, basing on the statements of LWs.1 to 5.

6. Be that as it may, none of the ingredients of penal provisions of Sections 498A and 509 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act would attract the present fact situation. Therefore, the petitioner is entitled to the relief of quashment of proceedings against her. It is true, prosecuting the petitioner, further, would amount to clear abuse of process of law.

7. Therefore, the Criminal Petition is allowed and the proceedings in C.C.No.150 of 2013 on the file III Additional Munsif Magistrate, Ongole, are quashed so far as the petitioner – accused No.4 i.e., Dandu Rangamma @ Syamala is concerned.

8. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 10, 2017.
MD

