

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2287 OF 2017

ORDER:

The present criminal petition is filed to quash the proceedings in Calendar Case No.64 of 2017 on the file of Additional Judicial Magistrate of First Class at Sangareddy, Medak District, under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code').

2. The petitioners, who are arraigned as accused Nos.4 & 5, alleged to have committed the offences punishable under Section 498-A of IPC and Sections 4 & 6 of Dowry Prohibition Act, along with accused Nos.1 to 3, who are of course, not the petitioners herein. The 1st petitioner herein is the sister of accused No.1 and the 2nd petitioner is husband of the 1st petitioner.

3. Heard Sri P. Sriharinath, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that except omnibus allegations in the statements of the 2nd respondent/ *de facto* complainant, Smt. Bagili Anitha, and her father, Sri Chanvala Laxma Reddy, who are examined as L.Ws.1 & 2, and other witnesses that the petitioners herein joined in harassing the *de facto* complainant, no details of overt acts as the acts constituting the offences leveled against them have been detailed in their statement or in the complaint.

5. Learned counsel for the petitioners placed reliance in **Preeti Gupta v. State of Jharkhand**¹ to substantiate his submission that the petitioners herein have been residing in a different village i.e., in Ranjole Village, Zaheerabad Manal, Medak District, now Sangareddy District, and, therefore, there is no *prima facie* material worth mentioning to prove the allegations levelled against the petitioners and they were only roped in by the *de facto* complainant, and, therefore, sought to quash the proceedings in the aforesaid calendar case against the petitioners.

6. The learned Additional Public Prosecutor for the State of Telangana would resist the request of the petitioners contending that not only the complaint but also statements of the witnesses would clearly reflect the participation of the petitioners in harassing the *de facto* complainant.

7. Perused the complaint averments as well as the charge-sheet and the statements made by the *de facto* complainant, Smt. Bagili Anitha, her father, Sri Chanvala Laxma Reddy, and some of the witnesses. The names of the petitioners have been specifically mentioned in joining the husband of the *de facto* complainant along with accused Nos.1 to 3 on the premise that she was not beautiful and they would have got more dowry and even when she was pregnant they all used to abuse and beat her and ask to bring additional dowry

¹ (2010) 7 SCC 667

despite pleading that her parents were not financially sound to fulfill their demand, and certain other allegations are also finding place in their statements in the direction of *prima facie* allegations against the petitioners, even at this stage. Therefore, it is not a fit case to quash the proceedings, as requested by the petitioners. Hence, the Criminal Petition is dismissed.

8. Since the 1st petitioner herein is the sister of accused No.1 and the 2nd petitioner is husband of the 1st petitioner, it is reasonable to exempt their appearance during trial of the proceedings. Accordingly exempting their appearance during trial of C.C. No.64 of 2017 on the file of Additional Judicial Magistrate of First Class at Sangareddy, Medak District, except on the dates when they are required to appear for examination under Section 239 of Cr.P.C. and 313 of Cr.P.C. and on other occasions when the learned Magistrate feels their presence is absolutely necessary, the present petition is dismissed.

9. With the above observation, the Criminal Petition is dismissed at the state of admission.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 27.03.2017

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