

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL PETITION No. 11177 of 2010

ORDER:

Heard the learned counsel for the petitioners as well as the respondents.

The present criminal petition is filed by the petitioners who are A-2 to A-6 to quash the proceedings initiated against them in C.C.No.210 of 2008 for the offences under Sections 420, 447, 379, 504, 506 r/w 149 IPC on the file of the Court of Additional Judicial Magistrate of First Class, Sanga Reddy.

The facts of the case are that originally the second respondent herein filed a complaint against the petitioners and another stating that the marriage between the second respondent and the first accused was performed on 13.05.2001 at the house of the second respondent at Bollapally village of Yerragondapalem mandal, Prakasham District. The marriage was an arranged one by the elders of both sides. The second respondent got employed in O.D.F. prior to marriage itself. After the marriage, A-1 joined the matrimonial company of the second respondent at O.F. Estates, Yeddumailaram. They led happy marital life for two years and out of the wedlock, they were blessed with one male child. After the birth of the male child, A-1 started harassing the second respondent and his parents on petty matters without any reason. A-1 used to abuse the second respondent and his parents in unparliamentarily language. Though it was brought to the notice of the parents of A-

1, there was no change in her behaviour. When they were living in Quarter No.2588 O.D.F. Estates, Yeddumailaram, A-1 developed love affair with one Ramu who used to reside in Quarter No.2587. When the said fact came to the knowledge of the second respondent he warned A-1, upon which she was blaming the second respondent that he used to harass her for additional dowry. A-1 got pregnancy second time and the same was confirmed by the doctor on 08.12.2005. However, on 25.12.2005 A-2 came to the house of the second respondent, took A-1 to his house without his permission and removed the child without the consent of the second respondent. On 25.03.2006 A-1 got issued a legal notice to the second respondent with all false and baseless allegations for which the second respondent got issued a reply denying the said allegations. On 13.05.2006 A-1 was brought to the house of the second respondent by her parents. Thereafter A-1 increased her harassment on the second respondent and his parents. However, the second respondent tolerated the harassment with the fond hope that one day or the other, A-1 will realize her mistakes and behave properly, but all were in vain. Further taking advantage of the silence of the second respondent, A-1 continued her illegal acts and started roaming with her lover Ramu here and there in the absence of the second respondent. On 05.09.2006 A-1 quarrelled with the second respondent and consumed DSP whisky excessively and misbehaved in drunken condition, whereupon she was shifted to hospital. The said fact was informed to the parents of A-1 and they rushed to the hospital and took A-1 on 06.09.2006 to their house. Immediately, thereafter on 8.9.2006 lodged a complaint

against the second respondent for dowry harassment to overcome the illegal activities of A-1. The Police Sisailam II-Town registered a case against the second respondent. The second respondent also filed a complaint before the police against A-1 and her paramour Ramu, but no action has been taken.

While the matters stood thus, on 9.12.2007 A-1 to A-6 which include the petitioners herein came to the house of the second respondent at about 5 P.M. and at that time, the second respondent and his son went out. All the accused abused the parents of the second respondent and created a horrible situation and committed theft of 8 tolas of gold ornaments of the mother of the second respondent and cash of Rs.25,000/- and when the parents of the second respondent tried to interfere, all the accused threatened that they will kill all the family members of the second respondent. The neighbours witnessed the incident and informed the same to the second respondent over phone. By the time the second respondent returned, all the accused left the place. Therefore, he filed private complaint. The Court below has taken cognizance of the same and numbered as C.C.No.210 of 2008. Aggrieved by the same, the petitioners herein who are A-2 to A-6 filed the present criminal petition to quash the proceedings initiated against them.

Learned counsel for the petitioners would contend that the present complaint is only a counter-blast to the complaint lodged by A-1 against the second respondent. The petitioners have not

committed any offence much less the offences as alleged in the complaint.

A perusal of the allegations made in the complaint would disclose that prima facie case is made out with specific particulars of date and time and the persons who participated in the commission of the offences alleged against the petitioners and A-1, more particularly with regard to the theft of 8 tolas of gold and cash of Rs.25,000/- on 9.12.2007 from the house of the second respondent. If that be so, the fact whether the petitioners have committed theft of 8 tolas of gold and cash cannot be decided by this Court in a petition filed under Section 482 Cr.P.C., except after a full-fledged trial. Therefore, this Court feels that there are no merits in the criminal petition and the same is liable to be dismissed.

Accordingly, the criminal petition is dismissed.

Interim order, if any, passed by this court shall stand vacated.

As a sequel, the miscellaneous petitions, pending in this criminal petition, if any, shall stand closed.

P. KESHA VA RAO,J

Date:12.12.2017
Ccm

THE HONOURABLE SRI JUSTICE P. KESHAVA RAO



CRIMINAL PETITION No.11177 of 2010

Date:12.12.2017

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