

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3139 OF 2017

ORDER:

The present petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to quash the First Information Report in Crime No.14 of 2017 of Mudiguppa Police Station, Ananthapur District.

2. The petitioners are arraigned as accused Nos.2 to 5. They alleged to have committed the offences punishable under Sections 498-A and 506 of IPC read with Section 34 of IPC and Sections 3 & 4 of Dowry Prohibition Act.

3. Heard Sri N. Aswartha Narayana, the learned counsel for the petitioners, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. The learned counsel for the petitioners would plead innocence and false implication of the petitioners.

5. A few facts are relevant in assessing whether there are *prima facie* allegations to proceed with the investigation for the offences alleged against the petitioners.

6. The 2nd respondent/*de facto* complainant was married to one C. Madan Mohan Reddy, on 15.2.2013, who is the 1st accused, but not a party to the present petition. He was then working in Delhi as

Software Engineer, earning Rs.1,00,000/- (Rupees One Lakh only) per month; one and a half years they lead happy married life; the *de facto* complainant became pregnant and her husband took her to her parental house and on occasions used to visit her and a daughter was born on 9.11.2014. Thereafter, her husband was transferred to Hyderabad. Her husband, parents-in-law and relations visited them. As per custom, her husband has to take her from her parents house before completion of fifth month. Therefore, her father took her to Darsanamala village where the parents-in-law would reside but there the petitioners herein who are the parents-in-law and her brother-in-law and her father-in-law's younger brother Anjan Reddy commented that she gave birth to a female child and her father has given only gold ornaments towards dowry and no amount was paid and, therefore, sought Rs.10,00,000/- (Rupees Ten Lakh only) additionally, on which she informed the same to her husband on phone, and from there her father took her to Hyderabad, on one occasion her mother-in-law and father-in-law's younger brother and her brother-in-law visited them and instigated her husband, on which her husband pressurized her to get the said amount. According to her, her husband influenced by the 4th petitioner and he started listening to them and her husband resorted to acts of cruelty and also used to beat her. Her husband and brother-in-law even attempted to kill her. She tolerated all keeping the welfare of her daughter and thus they visited her parents house at Darsanamala village. They did not allow her and went on demanding for payment of Rs.10 lakhs towards additional dowry.

7. The learned counsel for the petitioners, no doubt, would contend that even brother-in-law is falsely implicated and the petitioners herein never resides at Hyderabad and, therefore, there was no occasion to harass her and thus the petitioners are falsely implicated. But in the presence of *prima facie* allegations in the complaint, it is difficult to hold that the investigation into the said allegations would amount to abuse of the process of law. Therefore, there is no merit in the present petition.

8. Accordingly, the Criminal Petition is dismissed.

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

Dt. 19.04.2017
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A. SHANKAR NARAYANA, J

