

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2328 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the First Information Report (FIR) in Crime No.711 of 2016 of A.S. Nagar Police Station, Vijayawada City, Andhra Pradesh.

2. The petitioners are arraigned as accused Nos.1 and 3 to 5 respectively. They alleged to have committed the offences punishable under Sections 417 and 420 of IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961.

3. Heard Sri P. Nagendra Reddy, 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 implications of the petitioners. The learned counsel would submit that none of the allegations would attract the penal provisions mentioned by the Investigating Officer; the complaint is bereft of necessary ingredients to attract the said offences; in the absence of *prima facie* allegations and, therefore, sought to quash the FIR.

5. The learned Assistant Government Pleader would strongly resist the request stating that the allegations would *prima facie* make out a case to substantiate the offences punishable under Sections 417 and 420 of IPC and the penal provisions of Dowry Prohibition Act.

6. Perused the complaint and other documents available on record.

7. The allegations are to the effect that respondent No.2 - *de facto* complainant has contacted petitioner No.1 residing at Mumbai to give his daughter to the son of petitioner No.1 who is arraigned as accused No.2 and not a party to the present petition, by finding out from Telugu Matrimony about two years earlier to the complaint, and the *de facto* complainant was told that his son - Sunil was working as a Bio-medical Software Engineer at Las Vegas in United States of America and it would be difficult for them to go over, on which the *de facto* complainant given up the said alliance and searching for other alliance. Meanwhile, in the month of June, 2016, petitioner No.1 contacted the *de facto* complainant informing that his son has come down to India, and on his request, the date 09.07.2016 which fell on Saturday, was scheduled for looking at the bride by the petitioners and accused No.2; in the said function, the petitioners alleged to have told the *de facto* complainant that they were not intending to take dowry, but asked to give Rs.1,00,000/- towards customary offerings, Rs.2,00,000/- for purchase of clothes to the groom, Rs.40,000/- to be paid to the parents of the groom; and Rs.40,000/- towards

arrangements to the friends of groom who would visit along with them, which were all accepted by the *de facto* complainant; later, on 28.08.2016, the engagement function was arranged at Minerva Grand Hotel, the petitioners though told him that they would all be 20 in number, but another 80 members have joined him and pressurized him to make arrangements in the hotel for their stay, and with great difficulty to keep up his prestige and reputation, he arranged the rooms in the said Hotel for all 80 extra persons. It is also stated that after engagement function was over, marriage date was fixed as 04.12.2016 and even Wedding Card (*Lagna Patrika*) was written and, thereafter, mother of the groom asked him to visit Mumbai to discuss certain things, on which himself and his wife went to Mumbai on 24.09.2016 and the *de facto* complainant has paid the aforesaid amounts. During talks, the petitioners expressed that they were getting good offers from others with payment of huge dowry and asked him to think over it; certain other facts were also referred to including their request not to post the engagement ceremony photographs in Facebook, which are, of course, unnecessary to refer to at this stage.

8. Though, the learned counsel's submission has been that these allegations would not make out any demand for dowry, nor cheating and, therefore, to quash the FIR, but, the conduct of petitioners in asking the *de facto* complainant to 'think over the matter' on the premise that others were approaching with huge dowry, is sufficient enough even at this stage to hold that there are *prima*

facie allegations to continue the investigation. Certainly, investigation into the allegations in the complaint cannot be viewed as amounting to the abuse of process of law. The learned counsel also relied on a decision rendered by a learned Single Judge of this Court in **M. Giriprasad and others v. K. Munikrishna Reddy and another**¹, but the said decision stands on altogether a different situation and would not render any assistance to quash the FIR.

Therefore, the Criminal Petition is dismissed, at the admission stage itself. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

April 20, 2017.
Mgr

A. SHANKAR NARAYANA, J

¹. 2014 (2) ALT (Crl.) 171 (AP)