

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1282 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.16 of 2017, dated 18.1.2017 of Women P.S., Nellore, SPSR Nellore District, State of Andhra Pradesh.

2. The petitioner is arraigned as accused No.4. He along with other accused persons alleged to have committed the offences punishable under Section 498-A of IPC read with Section 34 of I.P.C. and Section 4 of Dowry Prohibition Act, 1961.

3. Heard Sri Madiraju Srinivasa Rao, the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. The learned counsel for the petitioner would submit that no allegations have been occurring in the complaint to make out a *prima facie* case against the petitioner as to the commission of the offence punishable under Section 498-A of IPC. It is according to the learned counsel for the petitioner mere omnibus allegation that the petitioner supported the husband and in-laws of the *de facto* complainant does not come in the description of 'cruelty' nor the alleged threat said to have been given by the petitioner, nor does it come within the

definition of Section 498-A of IPC, and, therefore, sought to quash the proceedings against the petitioner in the First Information Report.

5. The learned Assistant Public Prosecutor for the State of Andhra Pradesh would strongly resist the request of the petitioner stating that the allegations levelled in the complaint would make out a *prima facie* case against the petitioner also. He has also filed the Case Diary file.

6. A cursory glance of the complaint averments would in fact throw light on the alleged harassment meted out to the complainant, demanding to bring additional amount of Rs.10 lakhs by the husband and parents-in-law of the *de facto* complainant and as to how she was made to suffer in the hands of the accused Nos.1 to 3 for mere mistake of coming into contact with the 1st accused through net chatting in the year 2010 and going to the extent of marriage being performed in Arya Saamaj without the knowledge and consent of the parents of the *de facto* complainant and only after eight months it being revealed to them in the reception, and the 1st accused resorting to the acts of cruelty even though he is not physically available in India, but from Saudi. This is one part of the story so far as accused Nos.1 to 3 are concerned. The other part relates to the petitioner herein, to the effect that the *de facto* complainant unable to bear with the torture subjected to by the accused Nos.1 to 3, approached the petitioner herein, who is no other than the Junior Paternal Uncle of 1st accused, with a fond hope that he would at least intervene as elder and reconcile the differences, but, still, he went on supporting the acts of accused Nos.1

to 3, and at a later stage when the *de facto* complainant, having given birth to a female child, searching for the address of accused Nos.1 to 3 as they were not lifting the phone and have vacated the house also and when approached the petitioner requesting him to provide address informing about the situation the petitioner instead of helping them threatened them, is sufficient enough to hold that it constitutes *prima facie* allegation to proceed with further investigation by the investigating agency. Certainly, it cannot be said at this stage that an omnibus allegation was made in the complaint, without anything more, as contended by the learned counsel for the petitioner. The petition is liable to be dismissed.

7. The Criminal Petition is, accordingly, dismissed.

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

Dt. 24.04.2017
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A. SHANKAR NARAYANA, J