

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2616 OF 2017

ORDER:

A request is made to exercise power under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') to quash First Information Report in Crime No.16 of 2017 of Marriguda Police Station, Nalgonda District, Telangana State.

2. The petitioners are arraigned as accused Nos.2 to 11 in the aforesaid crime. They alleged to have committed the offences punishable under Sections 417 and 420 of Indian Penal Code, 1860 (for short 'IPC') and Section 4 of the Dowry Prohibition Act, 1961.

3. Heard Dr. Challa Srinivas Reddy, learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel pleaded innocence and false implication of the petitioners. The fact-situation as shown in the complaint made by the *de facto* complainant is that an engagement ceremony of the *de facto* complainant with one Badavath Vishnu Kumar, who is not a party to the present petition and who is working as police constable in Bowenpally Police Station, was held in the presence of elders; it was decided that a sum of Rs.7,50,000/- to be paid towards dowry and presentations; out of the said amount, a sum of Rs.3,00,000/- was paid; it was decided that their marriage would be celebrated in the

month of October, 2016; taking advantage of that situation, accused No.1 stating that he would, however, marry her and that he would introduce her to his relations, took her and roamed with her and started deceiving her and also threatening her that he would not marry her. It is also stated in the complaint that when she questioned, he appears to have told her that their house was under construction and later he informed her that he would marry his maternal uncle's daughter - Korra Usha by taking Rs.30.00 lakhs and demanded the same amount from her asking her that her parents should pay the said amount, or else he would marry his maternal uncle's daughter. She has named all the petitioners herein as the persons who are responsible for breakage of her marriage. The learned counsel, no doubt, contended that only *omnibus* allegations are made against the petitioners without anything more and, therefore, to quash the first information report against the petitioners.

5. The learned Additional Public Prosecutor would resist the request stating that the investigation is under progress.

6. The learned Additional Public Prosecutor also filed Case Diary. Perused the Case Diary.

7. The statements would show that petitioner No.1, who is maternal uncle of accused No.1, arraigned as accused No.2 is ready to give his daughter and pay Rs.30.00 lakhs to accused No.2 and that

accused No.1 denied to marry the *de facto* complainant as her father expressed his inability to pay that much amount and accused No.1, was thus influenced by accused Nos.2 to 11, who are petitioners herein.

8. When the *de facto* complainant refers the names of petitioners in her complaint and leveled the allegations that they are responsible for the breakage of her marriage with accused No.1, certainly, it cannot be said that investigation into the crime would amount to the abuse of process of law. Unless the investigation is done, the truth cannot be unravelled, more particularly, when the engagement ceremony had also taken place and the marriage was proposed to take place in a particular month of the year in the presence of elders.

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

A. SHANKAR NARAYANA, J

April 10, 2017.
Mgr