

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1834 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), is filed by the petitioner - accused No.3 seeking to quash the proceedings against him in C.C. No.486 of 2016 on the file of Additional Judicial Magistrate of First Class, Adoni, Kurnool District.

2. The petitioner is arraigned as accused No.3 in the aforesaid calendar case. He alleged to have committed the offence punishable under Section 498-A of IPC along with other accused.

3. Heard Sri Butta Vijaya Bhaskar, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. There are certain allegations in the direction of showing complicity of the petitioner in the complaint as well as in the statements recorded by the police. The name of the petitioner also finds place in the direction of causing harassment to the *de facto* complainant.

5. The learned counsel for the petitioner would submit that the allegation that the petitioner neglected the *de facto* complainant and her children and refused to give any share in the properties to them

would not amount to acts constituting harassment, falling within the ambit of Section 498-A of IPC.

6. The afore submission can only be examined during trial when the *de facto* complainant steps into the box as a witness, but, at this stage, it is difficult to hold that there are no allegations in the direction of the acts constituting harassment caused to the *de facto* complainant.

7. Learned counsel for the petitioners has also placed reliance in **Dinesh Kumar Sharma v. State of Rajasthan**¹ and in **T. Balaji Rao v. State of Andhra Pradesh**².

8. In **Dinesh Kumar Sharma** (1 supra), jurisdiction was in question, the High Court of Rajasthan (Jaipur Bench) placed reliance on the decision of the Hon'ble Supreme Court in **Y. Abraham Ajith v. Inspector of Police, Chennai**³ and opined that the Courts at Jaipur do have territorial jurisdiction to try the case at Jaipur and the cognizance taken by the Judicial Magistrate of First Class was quashed setting aside it giving liberty to the 2nd respondent therein to initiate criminal proceedings in a competent court of law.

9. Next decision in **T. Balaji Rao** (2 supra) is also to the same effect directing the complainant therein to move the appropriate court for redressal of grievance while quashing the proceedings pending before the III-Additional Munsif Magistrate, Tirupati.

¹ 2006 Law Suit (Raj) 51

² 2006 CRI. L. J. 3799

10. Therefore, there is no merit in the present Criminal Petition and, accordingly, the same is dismissed.

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

A. SHANKAR NARAYANA, J

Dt. 14.03.2017
gbs

³ (2004) SCC (Cri.) 2134

