

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

CRIMINAL PETITION No.627 OF 2011

ORDER:

Heard the counsel for the petitioners and the Public Prosecutor(AP) for the 1st respondent.

The present Criminal Petition is filed by the petitioners 1 to 3 who are accused 1 to 3 in Cr.No.204 of 2010 seeking to quash the proceedings in Cr.No.204 of 2010 on the file of the Station House Officer, Eluru, III Town L & O Police Station, Eluru, West Godavari District for the offences under sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

The facts of the case are that originally, 2nd respondent herein lodged a complaint dated 18.9.2010 before the Superintendent of Police, West Godavari District at Eluru stating that her marriage with the 1st petitioner was performed on 11.2.2008. At the time of marriage, her parents gave Rs.4,50,000/- towards dowry and gold, diamond necklace and other ornaments worth about Rs.15,00,000/-. The 1st petitioner was working as President of a software company and they were blessed with a daughter by name Charvy. The 1st petitioner got addicted to vices and the petitioners 2 and 3 were harassing her mentally and physically by demanding additional dowry and therefore, her parents were constrained to pay a sum of Rs.6,00,000/- towards additional dowry. In spite of the same, she was being harassed demanding to get the property registered from her parents. On 12.9.2010, her parents, maternal uncle and others went to the house of one Kasthuri who is the sister of her mother-in-law and when the same was narrated, said Kasthuri told them that the 2nd respondent has to follow the

instructions of the petitioners. In those circumstances, the above said complaint dated 18.9.2010 was lodged.

In pursuance of the said complaint, a crime was registered in FIR No.204 of 2010 under sections 498-A and 3 and 4 of Dowry Prohibition Act. Aggrieved by the same, the present criminal petition is filed.

The counsel for the petitioners would contend that the petitioners are falsely implicated in the crime and in fact, they are innocent of the charges leveled against them. He specifically stated that the 2nd petitioner left for USA on 31.7.2009 and the 3rd petitioner left for USA on 19.9.2009. 3rd petitioner came to India on 11.9.2010 and the 2nd petitioner is still in USA. The question of harassing the 2nd respondent for additional dowry, does not arise since the 2nd respondent along with the 1st petitioner left for USA on 13.2.2008 itself i.e., immediately after solemnization of the marriage on 11.2.2008.

The counsel for the petitioners would further contend that the entire allegations made in the first part of the alleged cause of action took place when the 2nd respondent was at USA and, therefore, the 1st respondent has neither power nor jurisdiction to entertain the complaint.

The counsel for the petitioners would also contend that during the pendency of the proceedings before this Court, CrI.P.M.P.No.10196 of 2014 is filed in this criminal petition to receive the additional documents enclosed to the said petition.

In the affidavit filed in support of the said CrI.P.M.P.No.10196 of 2014, it is categorically stated that the marriage between the 1st petitioner and the 2nd respondent is already dissolved on 29.9.2011 by the Court of Illinois, USA. To support his contention, he has filed the copies of the

Certification, judgment of dissolution of marriage between the 1st petitioner and the 2nd respondent in the Circuit Court of 18th Judicial Circuit, DuPage County, Illinois, USA. In the said judgment, it is clearly mentioned that the judgment for dissolution of marriage is entered on behalf of the parties herein and the bonds of matrimony between the plaintiff i.e., the 1st petitioner and the defendant i.e., 2nd respondent is dissolved. The terms and conditions for dissolving the marriage in the form of Marital Settlement Agreement is also enclosed to the additional material papers which discloses that the maintenance, the child custody and the rights and interests between the parties after the dissolution of the marriage, have already been decided. Therefore, the counsel for the petitioners would contend that no cause would survive in the present criminal petition since the parties have already settled their claims, and continuation of the proceedings would amount to abuse of process of law.

Though notice is sent to the 2nd respondent, the same is returned with an endorsement, “unclaimed” and there is no representation on behalf of the 2nd respondent.

From the above fact, it appears that the 2nd respondent is not interested to prosecute the matter.

Taking into consideration the additional material papers filed along with CrI.P.M.P.No.10196 of 2014, this Court feels that no useful purpose would be served by continuing the proceedings in the form of investigation into Crime No.204 of 2010 for the offences under sections 498-A and sections 3 and 4 of DP Act. Therefore, the proceedings in Cr.No.204 of 2010 are liable to be quashed.

The criminal petition is allowed quashing the proceedings initiated against the petitioners herein for the offences under sections 498-A and 3 and 4 of Dowry Prohibition Act in Cr.No.204 of 2010 on the file of the Station House Officer, Eluru III Town L & O Police Station, Eluru, West Godavari District.

Miscellaneous Petitions, if any, filed in this Criminal Petition shall stand closed.

JUSTICE P.KESHA VA RAO

Dated: 8.12.2017
KPM

