

THE HON' BLE SRI JUSTICE P.KESHAVA RAO

CRIMINAL PETITION No.12806 of 2011

ORDER:

Heard learned counsel for the petitioners/ A2 to 7 as well as respondents.

2. The petitioners who are accused Nos.2 to 7 in C.C. No.218 of 2011 on the file of Additional Junior Civil Judge, Ponnuru, Guntur District registered for the offences punishable under Section 498-A IPC read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, filed the present Criminal petition to quash the proceedings initiated against them.

3. The factual matrix of the case is that the 2nd respondent herein filed the private complaint against the petitioners herein and two others stating that her marriage with 1st accused was performed on 01.11.2007 at Kalyana Mandapam, Ponnuru according to the Hindu Rites and customs in the presence of their elders. At the time of marriage, the parents of the 2nd respondent have presented Rs.25,000/- in cash, gold and other household articles to 1st accused. After the marriage, 2nd respondent joined the 1st accused at Gudlavalleru of Krishna District and the marriage was consummated. From the beginning, the 1st accused used to ill-treat the 2nd respondent and he was addicted to bad vices like drinking, gambling, debauchery etc., The 1st Accused used to come home late nights in drunken state. Whenever the 2nd respondent questioned about the attitude, the 1st accused used to beat her indiscriminately stating that she is unlucky for him. From the beginning, accused No.1 has been subjecting the 2nd respondent to

mental agony calling as unlucky woman etc. The 2nd accused also used to instigate the 1st accused to demand the 2nd respondent to bring additional dowry of Rs.50,000/- from her parents and both of them used to harass her for the same.

4. So far as the accused Nos.3 to 7 are concerned, who are petitioners 3 to 7 herein, there are no specific allegations with regard to demand of additional dowry except stating that when the 2nd respondent prayed to save her from the harassment meted out by accused Nos.1 and 2, they have not supported her and they were silent spectators even in the charge sheet also. There is no specific allegation much less to satisfy the ingredients of the offences for which they are charged.

5. Therefore, this Court is of the opinion that continuation of the proceedings against petitioners/ accused Nos.3 to 7 herein would amount to abuse of process of law since no prima facie case is made out against them not only in the complaint but also in the charge sheet.

6. Accordingly, the Criminal Petition is partly allowed quashing the proceedings against petitioners/ accused Nos.3 to 7 in C.C. No.218 of 2011 for the offences under Sections 498-A read with Section 34 IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961, on the file of Additional Junior Civil Judge, Ponnuru, Guntur District. Interim order granted earlier shall stand vacated.

7. Miscellaneous Petitions, if any pending, shall stand closed.

JUSTICE P. KESHA RAO

12.10.2017

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Date:12.10.2017

