

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8173 of 2017

ORDER :

The petitioners are accused Nos.2 to 5 of Crime No.319 of 2017 of Malkajgiri Police Station, registered for the offences punishable under Sections 498-A, 307, 406 and 420 read with 34 IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961. The *de facto* complainant-Rubini Venkatraman is the 1st respondent to the quash petition, filed a private complaint against as many as five accused persons on 01.05.2017 before the X Metropolitan Magistrate at Malkajgiri, Cyberabad, and the learned Magistrate in turn referred the matter to the police under Section 156(3) Cr.P.C.

2. In this factual scenario, coming to the original private complaint of the *de facto* complainant concerned, Rubini Venkatraman is the wife accused No.1-Mr. Dinesh and their marriage was performed on 26.02.2015 as per Hindu rites and customs. Accused Nos.2 and 3 are parents-in-law, accused No.4 is brother-in-law of the *de facto* complainant and accused No.5 is the paternal uncle of accused No.1. At the time of marriage alliance, accused No.1 was studying in Germany and their family members promised that within six months of marriage, accused No.1 would be getting a job in Chennai or Hyderabad and would be residing with the *de facto* complainant after the marriage. Accused No.1 and his parents i.e., accused Nos.2 and 3, demanded dowry of Rs.15.00 lakhs on the date

of engagement and on that the parents of the *de facto* complainant accepted and paid Rs.10 lakhs to accused No.1 and his family members in the presence of Sri Pandiyan, Kannan and Masilamani. Further, the accused persons demanded gold ornaments of 2 kgs., gold ring 5 sovereigns and silver ornaments of worth of Rs.2 lakhs at the time of marriage. On their demand, the said gold, silver and other articles were given to accused No.1 and his family members. On the date of marriage also they demanded to celebrate the reception in a grand way. It is further submitted that the engagement was conducted on 08.09.2014 and from that day onwards the *de facto* complainant find a total change in accused No.1's attitude and was aggressive and rude when the *de facto* complainant alone and accused No.1 used to say that the he had several female friends in Germany, who used to be very close with him with open mindedness and even though the engagement was completed, still the *de facto* complainant felt shy and kept distance with him. It is further stated that on the day of marriage, the *de facto* complainant was under medication for sickness and headache, the *de facto* complainant's family requested to take her to hospital, but accused No.1 and his family members were insisted tying knot to the *de facto* complainant and after the marriage, the *de facto* complainant was admitted at G.K. Hospital for temporary treatment and later discharged from the hospital on the next day. Accused No.1 used to stay in the *de facto* complainant's house from 26.02.2015 to 05.03.2015 and every day night he subjected her to unbearable

harassment by way of slapping and using abusive words and tortured her physically and the de facto complainant realizes that accused No.1 is not interested in family life and started making allegations by way of legal notice. On 27.02.2015, while the de facto complainant was in sound sleep, accused No.1 put a pillow on her face and pressed with an intention to kill her and when she woke up and resisted him, he tried to strangle her neck and then he threatened to kill her and her family members if the same is revealed. It is further stated that accused No.1 promised her while he went to Germany that he would be back in another three months and would start a life in Chennai.

3. It is further stated in the private complaint that the de facto complainant completed her B.Tech and M.B.A. and working in a company by name and style M/s.Genpact in Hyderabad. When the de facto complainant was in a meeting, accused No.1 called her repeatedly and when she could not attend his call, accused No.1 make a call to the father of the de facto complainant and complained to resign her job. As per the instructions of accused No.1, de facto complainant stopped going to office abruptly and as such she was terminated from the office stated as absconded. It is further stated that for almost six months accused No.1 made the de facto complainant to stay at her parents house instead of taking her to Germany and if she wants to come to Germany, her parents had to give an amount of Rs.10 lakhs for visa, ticket, etc., As the de facto complainant was got the job terminated, with the pressure of accused No.1, she had gone to

live with her in-laws at Thirumangalam and every single day was nightmare to the de facto complainant at her in-laws house. Accused No.4, who is working at Coimbatore, used to visit his house in Tirumangalam and used to give an ugly stare at the de facto complainant and even tried to misbehave with her, which made her to prepare to commit suicide and when the matter taken note of her husband accused No.1, he did not take it seriously. It is further submitted that accused No.1 left for studies on 05.03.2015 and on his demand, the parents of the de facto complainant arranged Rs.2 lakhs for visa to the de facto complainant by way of sending cash to him. Thereafter, accused No.1 came to Hyderabad on 01.09.2015 and stayed three days in her parents' house and every day accused No.1 subjected her to cruelty and tortured mentally and physically. All the harassment initially was not revealed by the de facto complainant with the fond hope that accused No.1 will mend his ways. But, after receipt of the legal notice, all the harassment activities of accused persons were revealed in the reply notice. The accused persons have cheated the de facto complainant and her parents and made her as a victim in their hands and misappropriated the entire dowry, gold and silver and other times given towards dowry. It is further submitted that the de facto complainant informed her parents about her stay with accused No.1 in Kumarakom Lake Resort in Kerala, where his behaviour was very rude and always suspected her. Accused No.1 pressurized the de facto complainant to reveal any of her previous

relations with any male friends and though she expressed to have any such story, accused No.1 in a psychic manner subjected her to cruelty and harassment. After arranging the visa with the expenditure of her parents to go to Delhi, since she had not taken breakfast she felt dizzy in Delhi Airport, where the airport staff taken her to a nearby hospital by name Medanta Medical Centre and later discharged. As the passport of the de facto complainant lost, she applied for duplicate passport and the same was issued on 31.12.2015. But, accused No.1 had made false allegation of loss of Rs.36,00,000/- without any basis. The accused No.1 and his family members forcibly taken the signatures of the de facto complainant on empty papers and stamp papers by way of threat during her stay at their residence. Further, the parents of the de facto complainant called to Thirumangalam and obtained their signatures on the first occasion of meeting by way of threat. It is stated that the de facto complainant lost everything with the bad marriage proposal with accused No.1 and she informed her parents about obtaining of her signatures on divorce and other papers under threat. Accused No.1 and his family members threatened the de facto complainant to kill her if she does not give consent for grant of divorce before the Family Judge and due to fear she had stated the same before the Court. Hence, the accused No.1 fraudulently obtained divorce and she filed a petition to set aside that divorce order. There is a threat to the life of the de facto complainant at the hands of accused persons. On 05.04.2017, accused No.1 made a call

to the de facto complainant and threatened to kill if any criminal case is lodged against them and her father-in-law-accused No.2 again called on 09.04.2017 to her and threatened her with dire consequences and issuing threats if anything happens to their lives. Thereby, the petitioners along with accused No.1 are liable for punishment for the offences referred supra.

4. In the course of investigation with reference to the above private complaint averments of the de facto complainant referred to police by the learned Magistrate under Section 156(3) Cr.P.C., in registering the crime by police Malkajgiri supra, the de facto complainant reiterated the version, so also by LW.2-N.Venkatraman and LW.3-Jaya, no other than the parents of the de facto complainant. Leave about LWs.4 and 5, the so-called circumstantial witnesses, who are not even direct witnesses but for versions of hearsay even almost all of them, but for of the de facto complainant version.

5. Even from the said version of the de facto complainant reiterated of her private complaint averments in the statement during investigation to the police, there is no any specific accusation so far as accused Nos.2 to 4-her parents-in-law and brother-in-law concerned as the only allegation is prior to the marriage about the demands and after the marriage about the demands in generally saying accused No.1 and family members demanded for any additional amount or ornaments, as the case may be. Nothing these averred of any specific

overt act against accused Nos.2 to 4 supra. So far as accused No.4 concerned, there is a specific allegation saying he is working at Combatore, used to visit Tirumangalam and used to give an ugly stare at her and even trying to misbehave with her and made her to prepare to commit suicide and when the matter taken to the notice of her husband-accused No.1, he did not take care it seriously, but for that stray allegation without even date or time or occurrence and what manner, that allegation is also as vague as anything. There is also no specific allegation so far as accused No.5 concerned. Thus, the registration of the crime by police without proper verification of the facts and continuation of investigation against accused Nos.2 to 5 is unsustainable, but for against accused No.1.

6. Accordingly and in the result, the quash petition is allowed quashing the proceedings against the petitioners/accused Nos.2 to 5 in F.I.R.No.319 of 2017 of Malkajgiri Police Station, Rachakonda, Medchal District.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

17th November 2017.

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