

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3133 OF 2017

ORDER:

The present petition is filed under Section 482 of the Criminal Procedure Code (for short, 'the Code') requesting to quash the proceedings in C.C. No.443 of 2016 on the file of Principal Junior Civil Judge, Jagtial.

2. The petitioners are arraigned as accused Nos.2 to 6. They alleged to have committed the offences punishable under Sections 498-A of IPC and Section 4 of Dowry Prohibition Act.

3. Heard Sri C. Hari Preeth, the learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that even if the entire allegations contained in the charge-sheet are taken into consideration they do not constitute any offence or offences under Section 498-A of IPC and Section 4 of Dowry Prohibition Act and the said allegations made against the petitioners do not attract any ingredients of the offence alleged against them and the charge-sheet is prepared in a mechanical manner and false allegations have been levelled only in an attempt to bring out the offence under Section 498-A of I.P.C.

5. The learned counsel for the petitioners would further submit that the marriage itself is set up by the *de facto* complainant, and the 1st accused and 2nd respondent/*de facto* complainant never married on

14.9.2014 in Sri Venkateswara Swamy Temple In Palvanha and never lived together, as alleged by the *de facto* complainant.

6. The learned Additional Public Prosecutor for the State of Telangana resisted the request and also submitted the Case Diary.

7. A perusal of the complaint, statements recorded under Section 161 of Cr.P.C. of L.W.1 – Angadimatam Bhargavi, L.W.2 – Tati Sarojana, L.W.3 – Mahadevuni Vijay and L.W.4 – Gunti Jagadishwar would clearly contain *prima facie* allegations against the petitioners as to the commission of the offences alleged against them. They do reflect even at this stage that the 1st accused, being a distant relative, used to visit the house of the *de facto* complainant, and later their acquaintance turned out to be love affair and thus, it continued for five years and thereafter, on 14.9.2014 they both married in Sri Venkateswara Swamy Temple and started living at Kothagudem, and he informed about the marriage to his parents. Subsequently, since differences arose between them in the month of June, 2015, she complained to the police and in the presence of elders he having admitted marrying her but told that he is disliking to live with her, that on 3.11.2015 when she along with her mother went to the house of her in-laws, her husband and the petitioners herein demanded her to get Rs.10 lakhs towards additional dowry, and unless she brings Rs.10 lakhs she would not be allowed to live in their house and they would pour kerosene and kill her and also threatened that they would perform second marriage to her husband and thus, harassed her physically and mentally. Thus, it cannot be said that there are only

omnibus allegations against the petitioners and the submissions made by the learned counsel for the petitioners relate to disputed questions of fact, which are to be resolved only after full-fledged trial takes place.

8. No doubt, the learned counsel for the petitioners placed emphasis on the word 'additional amount' contending that there was nothing originally given even agreeing without admitting the marriage between the 1st accused and the *de facto* complainant, and that itself would falsify the case of the *de facto* complainant, but even the said submission can only be examined after full-fledged trial.

9. The present petition is, therefore, dismissed. However, keeping in view that the petitioners 3 and 4 are married women and looking after household affairs and petitioner No.5, being Brother-in-law, their appearance is exempted during trial except on the dates when examination under Section 239 of Cr.P.C. and Section 313 of Cr.P.C. is taken up.

As a sequel thereto, miscellaneous petitions if any pending in the Criminal Petition shall stand closed.

A.SHANKAR NARAYANA

Dt.20.04.2017

gbs