

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.3340 of 2016

ORDER:

The petitioners are accused Nos.2 to 8 of crime No.92 of 2014 of SHO, Women Police Station, Warangal (Urban). The crime was registered for the offence under Sections 498-A and 307 IPC & Sections 3 & 4 of Dowry Prohibition Act.

A reading of the FIR from the written report of the defacto complainant dated 06.07.2014 registered on even date shows that her marriage with A.1 by name B. Prajwal S/o. A.2 and A.3 i.e., Suguna and Devadas, was performed on 08.06.2009 at Centenary Baptist Church at Hanamkonda and at that time presented dowry by cash and also site of 150 square yards and also gold ornaments and Hero Honda Bike besides house hold articles and for 3 years from the marriage they lived happily and blessed with a female child in their wedlock. It is the trouble started after her sister's marriage performed by her parents and started harassing by accused that her parents given more dowry to her sister and performed marriage by pomp and show when compared to that of the marriage of the defacto complainant with A.1, thereby to bring additional dowry of Rs.5,00,000/- and were ill-treating even there were disputes resolved through elders, but with no change in the accused persons attitude and harassment and on 01.06.2014 she was dropped at her in-laws house through elders by convincing, however for 4 days she was not even provided food by her husband and her in-laws (A.1 to A.3) and her sisters-in-law Madhavi (A.4), Sravanthi (A.5) and their husbands Prakash and Shyam Sukumar (A.6 & A.7) and her husband's uncle Sudhakar

(A.8) demanded her to say that she committed mistake and admit and touch their feet and thereafter only provided her food. They were started harassing her as if she got extra marital relations prior to her marriage with some male persons and compelled her to say by writing in note book and were ill-treating her for that and on 05.07.2014 at about 01.15 PM her husband made an attempt to do away her by compelling her to consume some pills and tried to squeeze her neck and when she went unconscious, he informed to her mother saying she went unconscious and her mother when asked the neighbours, the neighbours came and reprimanded them and sent her to hospital. It is therefrom she has presented the complaint. Hence to take action. So far as that incident of attempt on her concerned, it is against A.1 and nothing against other accused, but for on the offence under Section 498-A IPC and Sections 3 & 4 of D.P. Act. Even her statement during investigation reflects nothing attempt on her life other than by her husband.

The learned I Additional Sessions Judge, Warangal, in the said Sessions Case from the post committal stage of the case, taken on file for the offences supra, when they filed discharge application dismissed the same by impugned order dated 02.12.2016 in Crl.M.P.No.130 of 2016 with observation that from the medical certificates also of Doctors regarding the occurrence and from careful perusal of the FIR and the statements *prima facie* makes out a case against A.2 to A.8 for the offence under Section 498-A IPC and Sections 3 & 4 of D.P. Act and the

decisions placed reliance by the accused of **U.Suvetha Vs. State**¹, **Preethi Gupta Vs. State of Jharkhand**², **Bhaskar Lal Sharma Vs. Monica**³ and **Kans Raj Vs. State of Punjab**⁴ have no application.

The contentions in the revision impugning the said order by the accused Nos.2 to 8 are that the Court below did not properly appreciate the facts and should have seen that there are no any *prima facie* allegations of accusation against any of them, but for vague and stray allegations and the dismissal of the discharge application against them for the offences under Sections 498-A IPC and Sections 3 & 4 D.P. Act is per se unsustainable, hence liable to be set aside.

Learned counsel for the revision petitioners/A.2 to A.8 reiterated the same by relying upon the said expressions. Whereas it is the submission of the learned Public Prosecutor representing the State that the impugned dismissal order of the lower Court no way requires interference, hence to dismiss the revision.

Heard and perused the material on record.

From the FIR and the statement of the defacto complainant during investigation, there are allegations against them and even against A.6 to A.8 as they demanded the defacto complainant to touch the feet of the accused persons by not providing food till then. In fact there is no specific averment as to when the uncle of A.1 came to the house of the defacto complainant and A.1 i.e., A.8

¹ 2009 NCC 579

² AIR 2010 SC 3363

³ (2009) 10 SCC 604

⁴ 2002 (2) ALT (Crl) 50 (SC)

from Wardhannapet his residence to the place of occurrence of his specific role concerned. A.4 and A.6 are residing at Manthini Village, Karimnagar District, A.5 and A.7 are residing at Bank Colony, Warangal and A.1 to A.3 are residing at NGO's colony Hanamkonda. They are at different addresses even A.1 at Hanamkonda and even taken for others concerned. So far as A.4 and A.6 are from Manthini Village, Karimnagar they came to consider the alleged accusation against them particularly even there is probability to say the daughters of A.2 and A.3 came there and at the time she meted harassment by them. Any son in laws of A.2 and A.3 came there and also joined in harassment is hardly believable so also the brother of A.2 if at all any.

Having regard to the above, the accusation against A.6 to A.8 even for the offence under Section 498-A and Section 3 & 4 of D.P. Act is unsustainable but for against A.1 to A.5. In view of the above and the offence under Sections 307 and 498-A IPC and Sections 3 & 4 of D.P. Act made out against A.1 and offence under Section 498-A and Sections 3 & 4 of D.P. Act made against A.2 to A.5, they are not entitled to discharge respectively for the offences taken cognizance, but for against A.6 to A.8 for no offence even for any of the Sections made out against them.

Accordingly and in the result, the criminal revision case is allowed in part.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 18.04.2017
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