

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.7933 of 2011

ORDER:

Heard learned counsel for the petitioners and the learned Public Prosecutor.

The present petition is filed by the petitioners/A2 to A4 to quash the proceedings initiated against them in Crime No.543 of 2011 for the offence under Section 498-A IPC by Police Station Machavaram, Vijayawada.

The brief facts of the case are that the 2nd respondent herein lodged a complaint on 24.08.2011 before the Station House Officer, Machavaram Police Station, Vijayawada, to the effect that on 25.05.1991 her marriage was performed with accused No.1 at Bhavanipram in the presence of elders. At the time of marriage, a sum of Rs.4 lakhs towards pasupu kumkuma, one Hero Honda vehicle and a ring were given to accused No.1. Out of wedlock, she was blessed with a daughter and a son whose age are 16 and 14 years respectively. The 2nd respondent further stated in the complaint that from the date of marriage, her husband was harassing her on some or the other ground and he was addicted to bad vices, used to come late in the night and beat her. During one such scuffle, her hand was also fractured. Accused No.1 locked them in a room without providing even

food and was not allowing his children to go to school. In fact, on 10.08.2010, her sister-in-law and brothers-in-law along with her husband attacked her saying that they will perform second marriage to accused No.1 and forced her to sign on the divorce papers. When the 2nd respondent refused, they beat her indiscriminately. When the same was informed to her parents, a sum of Rs.50,000/- was given towards additional dowry. After expending the said amount of Rs.50,000/-, accused No.1 developed illegal intimacy with another lady by name Rani and never allowed the 2nd respondent to go to her parents' house and harassed her mentally and physically. On 20.04.2011, all the family members of her husband necked her out of the house by saying that they will perform another marriage to accused No.1. Pursuant to the said complaint, a crime was registered vide FIR.No.543 of 2011 for the offence under Section 498-A IPC by Machavaram Police Station, Vijayawada. Aggrieved by the said registration of crime, the present petition is filed.

Learned counsel for the petitioners would submit that the petitioners are falsely implicated in the said offence and even if all the allegations are taken to be true on their entirety, no offence is made out against them. The petitioners are residing separately from the 2nd respondent and the 1st accused and there is no occasion for them to ill-treat the 2nd respondent and therefore sought to quash the proceedings initiated against them.

A perusal of the contents of the complaint would reveal that specific allegations are made not only against accused No.1 but also the petitioners herein, who are A2 to A4. In fact, on 10.08.2010 and 20.04.2011, the petitioners along with accused No.1 beat the 2nd respondent indiscriminately for not putting the signatures on the divorce papers and also on the ground that she is unfit for matrimonial life and that they will perform second marriage to accused No.1.

In the light of the above specific allegations this Court feels that it is not a fit case to quash the proceedings at this stage by invoking its jurisdiction under Section 482 Cr.P.C. That apart, the crime in question is at the investigation stage, as such, there are no merits in the petition and the same is liable to be dismissed.

Accordingly, the criminal petition is dismissed. However, it is observed that if the presence of the petitioners is required during the course of investigation, the investigating officer can invoke the provisions of Section 41A Cr.P.C. as per law. Interim order, if any, stands vacated.

Miscellaneous petitions, if any, shall also stand dismissed. No costs.

P. KESHAVA RAO, J

Date: 29.12.2017.
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