

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.4533 of 2011

ORDER:

1. This Criminal Petition is filed by the petitioners-accused Nos.2 to 7 under Section 482 Cr.P.C. seeking to quash the proceedings against them in D.V.C.No.02 of 2011 on the file of the Additional Junior Civil Judge-cum-Judicial First Class Magistrate, Repalle, Guntur District.

2. It is the contention of the petitioners that the 1st respondent left the company of her husband and foisted a case against the parents, brother-in-law, sister and grand parents of her husband and that the petitioners are residing in different places and hence, harassment does not arise, and that the 1st respondent misused the provisions of the Domestic Violence Act and foisted the case.

3. On the other hand, the learned Counsel for the 1st respondent contended that specific overt acts were attributed to the petitioners on the mode of harassment and prima facie, there are no grounds to quash the proceedings in the above DVC.

4. A perusal of the record goes to suggest that the marriage between the 1st respondent and the son of petitioners Nos.1 and 2 was performed on 24.8.2008. There are specific allegations in the complaint that the petitioners along with the husband of the 1st respondent started harassing her by saying after birth of male child that if the 1st respondent did not give birth to a male child, they would have killed her and her child. They also demanded and forced her to bring a costly double cot and almyrah from her parents. Later, the parents of the 1st respondents gave Rs.25,000/- to her husband and parents-in-law. Thereafter, all the petitioners beat,

scolded and demanded her to bring Rs.2 lakhs or Ac.0.75 cents of land from her parents. In respect of the same, the 1st respondent lodged a complaint before the Station House Officer, Kollipora Police Station, which was registered as Crime No.33 of 2011 for the offence under Section 498-A and 324 IPC against her husband and the 2nd petitioner. There are triable issues and prima facie material. I do not find any grounds to quash proceedings in the above DVC.

5. Accordingly, the Criminal Petition is dismissed. Consequently, interim stay granted on 15.6.2011 in Crl.P.M.P.No.4623 of 2011 is vacated and the miscellaneous petitions pending, if any, shall stand closed.

Date: 11th October, 2017
Nn

JUSTICE N. BALAYOGI



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