

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3220 OF 2014

- 1) Santosh s/o Ashok Yerram,
Age 36 years, Occupation Business,
R/o Narsingi, Chegunta (Mandal),
Dist. Medak. (A.P.).
- 2) Anand s/o Ashok Yerram,
Age 34 years, Occupation Service,
R/o 203, 8-5-2 Sunanda Apartment,
Old Boinpally,
Secundrabad. (A.P.).
- 3) Sangeeta w/o Laxman Revuri,
Age 38 years, Occupation household,
R/o Kamla Nilayam,
Sircilla Road, Kamareddy,
Dist. Nizamabad. (A.P.).

(Rejected Vide Court order dtd.07-11-2014)

- 4) Laxman s/o Nagbhushanam Revuri,
Age 42 years, Occupation Business,
R/o. As above.
- 5) Manchikatla Chandraiyyah s/o Narayana,
Age 72 years, Occupation Business,
R/o Dhanlaxmi Ricemill,
Narsingi, Chegunta (Mandal),
Dist. Medak. (A.P.).
- 6) Yerram Yadgir s/o Shivaiah,
Age 60 years, Occupation Business,
R/o Tirumalla Rice Mill,
Narsingi, Chegunta (Mandal),
Dist. Medak (A.P.).
- 7) Yerram Nagesh s/o Venkaiah,
Age 49 years, Occupation Business,

R/o Bagyalaxmi Rice Mill,
Narsingi, Chegunta (Mandal),
Dist. Medak. (A.P.).

...Applicants

Versus

1) The State of Maharashtra
Through Police Inspector
Purna Police Station, Purna
Dist. Parbhani.

2) Kavita w/o Amar Yerram,
Age 30 years, Occupation Household,
At Present R/o Anand Nagar,
Purna Dist. Parbhani.

...Respondents

Mr. S. S. Rathi, Advocate for applicants.

Ms. P. V. Diggikar, Addl. Public Prosecutor, for respondent No.1
/ State.

Mr. M. R. Tripathi, Advocate for respondent No.2 .

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.**

DATE : 08-10-2018.

ORAL JUDGMENT : (Per SMT. VIBHA KANKANWADI, J.)

1. Present application has been filed by original accused persons invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure in order to quash the First Information Report vide Crime No. 97 of 2014, registered with Purna Police Station, Dist. Parbhani, for the offences punishable under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Respondent No.2 got married to Amar Ashok Yerram on 16-11-2007 at Saptagiri Binni Rice Mill Narsingi, Tal. Cheguntha, Dist. Medak (Then in Andhra Pradesh State). She has son Vedant (age 5 years) from Amar. Applicant No.1 and 2 are the brothers-in-law of respondent No.2. Applicants No. 3 is the sisters-in-law of respondent No. 2 and applicant No. 4 is husband of applicant No. 3. Applicants No.4 to 7 are residents of village Narsingi, Tal. Cheguntha (Mandal), Dist. Medak.

3. Respondent No.2 – informant has contended that, after marriage she came to Narsingi with her husband. Her husband was residing with his parents, two brothers and their family members. Her father had given dowry of Rs.5,50,000/- to her husband at the time of engagement ceremony. At the time of marriage, Gold ornaments weighing 12 tolas and silver articles of 7 kgs, gifts and utensils worth Rs.1 lakh were also given. Her father had also given amount of Rs.1,50,000/- towards the expenses of engagement ceremony which had taken place at Ram Mandir, Purna. She was treated properly by her in-laws and family only for two months. Thereafter on each festival, they used to send her to her parents' house under the pretext that it is the custom in Andhra. Each time they used to insist that she should bring gold, silver, cloths etc. Her parents supplied all those articles for a period of two years. Her parents had given minimum 1-2 tolas of gold, silver articles, cloths,

etc. each time. However, the greed of the accused persons was increasing. She had handed over about 70 tolas gold ornaments to her husband and his parents with faith, but they did not inform her what they have done with those articles. They never gave those articles to her back. When she started refusing to go to her parents' house to bring articles, her mother-in-law started harassing her. She used to insult her on the count that she was unable to cook South Indian food. It was made clear at the time of settlement of marriage that informant is unable to speak Telgu. She was not able to read or write that language. It was promised that they would adjust and teach her Telgu. However, if she used to commit mistake in speaking in Telgu, she used to be insulted. She was ridiculed by saying that she is dumb. They used to scold her on account of the preparation of food by her. After she became pregnant, her mother-in-law, sisters-in-law and brother-in-law's wife had tried to ask the sex of the fetus at the time of her sonography. It was specifically told by her husband that if daughter is born then, informant will not be taken for cohabitation. Even after the son was born, the accused persons continued their harassment. It was tried to be impressed upon her that her son's fortune is not good for her husband. Then all of them decided to give son of informant in adoption. She refused to give consent. She came to know that the person who intended to take the son in adoption had offered huge amount to in-laws of

informant. When she disclosed the harassment to her husband, he had scolded her and told that he is in favour of giving son in adoption. Parents and sister of her husband used to believe in black magic. They used to do certain acts around son of informant. When all the family members started pressurizing informant for giving son in adoption, and she refused, they abused her, starved her for giving consent. Applicant No. 5 to 7 instigated other applicants, husband and parents'-in-laws of informant to harass her. There was discussion amongst all those persons till 8.00 p. m. in Telgu and then she was driven out of the house with her son around 11.30 p. m. She had only Rs.700/- with her. She went to Nanded in bus. And then she reached to her parents' house. In the month of August, her parents'-in-laws came to Purna and promised that they will not harass her anymore. They also promised that Amar and informant would reside separately. It was promised that arrangement would be made to take house in Ramayan Peth within 15 days. Her parents also agreed for the said arrangement. Her husband came to Purna after about two and half months and told that he has arranged a house at Hyderabad. The cost of the house is Rs.35 lakhs. His parents have promised to give him Rs.20 lakhs. He insisted that she should ask her parents to give Rs. 15 lakhs. She refused to make any demand. Then her husband started beating her. She had sustained head injury. Her parents were not at home at that time. When her

relatives went to her matrimonial home and informed the incident, nobody came to take her back for cohabitation. Her father was abused on phone by the husband of informant. Once again her husband had come to Purna with certain persons and asked her whether she would bring amount of Rs.35 lakhs for purchase of house otherwise she should face divorce. Ultimately, she has lodged the report.

4. The applicants have contended that, respondent No. 2 had gone to Purna on 25-01-2010 with her son, since then she has not return back. Efforts were made by her husband to bring her back, but she refused. Applicants No. 5 to 7 had tried to bring her back, and even in their presence she has refused. Applicant No. 5 to 7 are not related to husband of respondent No. 2. Therefore, they cannot be arrayed under Section 498A of Indian Penal Code. Husband of the respondent No. 2 had filed petition for restitution of conjugal rights. It was decreed by Senior Civil Judge, Medak on 23-09-2013. In spite of the same, she did not resume the cohabitation. Thereafter her husband has approached Court of Law for dissolution of marriage. Respondent No. 2 has appeared in that matter and filed her written statement. Present applicants are innocent. No specific role is attributed to them. Unnecessarily other relatives of the husband have been arrayed. Therefore, they have prayed for quashment of the proceeding.

5. Heard learned Advocate Mr. S. S. Rathi appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. P. V. Diggikar and learned Advocate Mr. M. P. Tripathi, appearing for respondent No.2. The application was already rejected as against applicant No. 3, by this Court vide order dt. 01-11-2014.

6. The application was considered only for the allegations against the brothers-in-law, husband of married sisters-in-law and applicant No. 5 to 7. No specific role has been attributed against applicant No. 5 to 7 in respect of offence under Section 498-A of the Indian Penal Code. They are not even the relatives of husband of respondent No.2. They had tried to mediate between husband and wife. Applicant No. 6 had deposed in the civil proceeding against respondent No. 2. Therefore, they can not be allowed to be prosecuted. As regards other applicants are concerned, no specific role is attributed to them also. Applicant No. 2 and 4 are residing separately. It is stated that all the applicants had made demand of amount. If at all there would have been a demand it would have been mainly by the husband and mother-in-law. The perusal of the entire FIR would show that all them applicants had made the demand in chorus which is not possible. Nothing was demanded by applicants No. 1, 2, 4, to 7 for themselves as per the allegations in the FIR itself. The main allegations in the FIR are against husband,

parents'-in-law, sisters-in-law. It appears that husband has approached Civil Court first. Applicants can not get any benefit of decree in favour of husband of respondent No. 2. So, it appears that, as a routine all the relatives of the husband have been roped. It would be the futile exercise to ask applicant No. 1, 2, 4 to 7 to face the trial. Under such circumstance relief is required to be granted to them by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application of applicants No. 1, 2, 4 to 7 is hereby allowed.
- 2) Relief is granted in terms of prayer clause "C" to the applicants No. 1, 2, 4 to 7 only.
- 3) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.