

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition Nos.1816 and 1921 of 2011

COMMON ORDER:

Crl.P.No.1816 of 2011 is filed by A2 and Crl.P.No.1921 of 2011 is filed by A3.

2) Petitioners/A2 and A3 seek to quash the proceedings against them in C.C.No.685 of 2009 on the file of XIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Nampally, Hyderabad registered for the offences under Sections 498A, 506 r/w 34 IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961.

3) Brief facts of the complainant allegations are that the marriage between complainant and A1 was performed on 01.05.1999 as per Muslim rites and customs; at the time of marriage, the parents of complainant gave Rs.1,50,000/- towards dowry, 25 tolas of gold and other Jahez articles; some time they lived happily and out of wedlock they were blessed with two sons and one daughter and thereafter, accused started harassing the complainant both mentally and physically; they snatched away the gold ornaments, pledged the same and invested the sale proceeds for the construction of their house; in 2002, the accused demanded additional dowry of Rs.2 lakhs and parents of the complainant arranged the same; in July, 2004, A1 went to Dubai for which the parents of the complainant incurred Rs.40,000/-; A1 took the complainant and her children to Dubai where also A1 did not look after properly.

a) While so, in the year 2004, the accused demanded to give the house situated at Gulshan Colony and forced to sell the property to invest the amount in business; in the interest of complainant's marital life, her parents gave a portion of their house at Habeebnagar where A1 shifted his family; A1 used to visit India but did not provide minimum facilities to her and her children; A1 with the instigation of A2, is trying to contact second marriage by giving divorce to her and since 05.05.2009 he did not visit her; when the elders tried to settle the issue, A1 stated that he was not willing to lead marital life with complainant and having no other go, she is living with her parents.

b) Basing on the said complaint, the police of WPS, CCS, Hyderabad registered a case in Cr.No.317 of 2009 under Sections 498A, 506 r/w 34 IPC and Sections 4 and 6 of DP Act and after investigation filed charge sheet. The learned Magistrate took cognizance of the same and registered as C.C.No.685 of 2009.

Hence, the instant petitions.

4) Heard arguments of Sri Mohammad Adnan, learned counsel for petitioners in both the petitions; Sri M.A.K.Mukheed, learned counsel for respondent No.2/complainant in CrI.P.No.1816 of 2011 and learned Additional Public Prosecutor (TS) for respondent No.1 in both the petitions.

5) A careful scrutiny of FIR, 161 Cr.P.C statements and charge sheet allegations would depict a strong *prima facie* case against all the accused.

The allegations against the accused are specific ones regarding demand for additional dowry and harassment meted out by the accused to the complainant and the allegations are not omnibus or general in nature. Therefore, I am not inclined to quash the criminal proceedings against the accused.

6) Accordingly, both the Criminal Petitions are dismissed with a direction that the petitioners/A2 and A3 shall face the trial and vindicate their defence stand. Considering that petitioners/A2 and A3 are women and A2 is an aged lady, their presence before the trial Court is dispensed with except on the occasions when the trial Court specifically requires their attendance.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 08.10.2018
Murthy

U. DURGA PRASAD RAO, J

