

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3362 of 2011

ORDER:

This petition is filed under Section 482 Cr.P.C by the petitioners/A4 & A5 seeking to quash the proceedings against them in CC No. 540 of 2010 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, which was taken cognizance against the petitioners and other accused, for the offences under Sections 498-A, 406, 323 and 506 r/w 34 IPC and Sections 4 & 6 of Dowry Prohibition Act.

2. On the complaint given by the de-facto complainant, the SI of police, Women Police Station, South Zone, Hyderabad, registered Crime No.40 of 2010 and after investigation laid charge sheet against A1 to A5. A1 is the husband of the de-facto complainant, A2 and A3 are the parents and A4 & A5 are the married sisters of A1.

3. Heard learned counsel for petitioners/A4 and A5

4. There is no representation for respondent.

5. The submission of learned counsel for petitioners is that petitioners/A4 & A5 are the married sisters and though they are residing at Hyderabad they are living with their respective husbands and leading their individual family life and they have nothing to do with the marital affairs of the de-facto complainant and A1 and they were unnecessarily implicated in the case. Learned counsel would further submit that absolutely no allegation is made out in the FIR or in the charge sheet against petitioners and no evidence is proposed to prove their complicity in the case.

6. The learned Additional Public Prosecutor opposed the petition stating that there is cogent material against the petitioners, apart from other accused showing their complicity in the offence. Petitioners/A4 & A5 are concerned, they along with other accused used to beat and torture the complainant for additional dowry and upon

investigation the Police have filed charge sheet and the trial Court has also taken cognizance. He thus, sought to dismiss the petition.

7. A perusal of the charge sheet contents would reveal that the marriage between the de-facto complainant and A1 took place on 16.7.2009 at Hyderabad and the parents of the de-facto complainant gave dowry and other paraphernalia on the demand of the accused. The marriage was consummated and the complainant lived with A1 happily only for four days. Thereafter, her husband and in-laws insisted the complainant to attend all the domestic work like a maid servant and also started passing remarks that she has not brought the dowry and the jahez articles according to their expectations and status. The charge sheet would further reveal that the husband and in-laws tortured her mentally and physically and made her life miserable and on 27.8.2009 her husband and in-laws quarreled with her and drove her out of the house by retaining all her jahez articles. So complainant went to her parents' house at Yakutpura, Hyderabad and after one week her husband came and took her back to his house. On 18.9.2009 i.e., the last Friday of Ramzan, her husband and in-laws again picked up quarrel and snatched the mangala sutra from her neck and drove her out of the house. So the complainant again went back to her parents' house. On the advice of elders and well wishers the complainant again went to the matrimonial house on 20.10.2009 and lived happily for about 12 days. On 10.11.2009 her husband came out with his evil desire to demand additional dowry of Rs. 2,00,000/- and thereafter her husband and in-laws become wild and abused the complainant in filthy language and ultimately beat her with a stick on her left leg and drove her out of the house on 10.11.2009. On 5.12.2009 husband of the complainant telephoned her and threatened with dire consequences if the demand was not fulfilled. It is further mentioned in the

charge sheet that when the complainant used to express the inability of her parents to meet the illegal demand of additional dowry, accused Nos. 1 to 5 used to get angry and beat her severely with stick on her legs and other parts of the body causing internal injuries. A1 to A5 ultimately necked her out from the house and retained all the jahez articles and other belongings with a demand to bring additional dowry of rupees two lakhs.

8. A perusal of the charge sheet reveals prima facie accusation against all the accused including petitioners A4 & A5. No doubt, petitioners A4 and A5 are the married sisters and they are residing at Hyderabad. In view of the prima facie accusation against them, it is not apposite to quash the proceedings against petitioners/A4 & A5 and the Criminal Petition is liable to be dismissed.

9. Accordingly, the Criminal Petition is dismissed. However, considering the submission of learned counsel for petitioners that they are married women, their appearance in the trial Court is dispensed with except on the occasions when the trial Court requires their attendance.

As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 06.06.2018
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