

THE HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.3112 of 2013

ORDER:

This petition under Section 482 of Cr.P.C. is filed by accused Nos.3 to 7 seeking to quash the proceedings against them in Crime No.88 of 2013 on the file of Musheerabad Police Station, Hyderabad.

2. The contention of the petitioners-accused is that the second respondent-complainant never complained either to the police or caste elders for the alleged dowry harassment earlier. No specific overt acts are attributed against the petitioners herein. Since the petitioners are residing in different premises at different places, the question of harassment by all the petitioners does not arise.

3. It is further contended that the complainant-2nd respondent did not mention any specific instance with regard to the alleged harassment and that the petitioners are falsely implicated in the crime. Even according to the contents of the complaint, the alleged incident was occurred on 20.3.2013, but the report was given to the police only on 24.3.2013, which itself clearly goes to show that a false case is foisted against the petitioners.

4. On the other hand, the learned Public Prosecutor contended that specific overt acts are attributed to the petitioners in the complaint and that there is no ground to interfere with the impugned proceedings.

5. Heard the learned counsel for the petitioners and learned Public Prosecutor for first respondent. None appears for the second respondent. Perused the material available on record.

6. Now the point that arises for consideration in this petition is:-
“whether there is any *prima facie* material to prosecute the petitioners for the alleged offences?”

7. As seen from the record, A.1 is the husband of complainant-2nd respondent. A.2 is the father of A.1; A.3 & A.4 are the sisters of A.1 and A.5 & A.6 are the husbands of A.3 & A.4 respectively. A.7 is the cousin-brother of A.1.

8. A perusal of the record further goes to suggest that on 24.3.2013, the 2nd respondent herein submitted a complaint before the police of Musheerabad Police Station with regard to the incident that occurred on 20.3.2013. As per the complaint allegations, marriage of 2nd respondent-complainant with A.1 was performed on 27.5.2011 and at the time of marriage, her parents gave Rs.1,50,000/- cash, 8 ½ thulas of gold apart from other articles. Two months after the marriage, she received a call from a girl by name Pallavi, who informed her that she was having illegal intimacy with A.1 and the same was also accepted by A.1.

9. In the complaint, specific overt acts are attributed against the petitioners alleging that the petitioners herein along with A.1 and A.2 started harassing the complainant-2nd respondent on the ground that she brought a lesser amount towards dowry. The names and particulars of the petitioners are specifically mentioned in the complaint regarding their specific overt acts. It is alleged that the petitioners frequently picked up quarrels with the complainant and assaulted her. Her father-in-law (A.2) used to speak vulgar language and harassed her sexually (*laingikanga*). Every time, A.2 tried to touch her body and when she reported to

her husband-A.1 about the same, he used to advice her to bare all such things.

10. It is further alleged that the petitioners herein frequently used to pick up quarrels with the complainant and used to threaten her that they will again perform the marriage of A.1 with another lady who will bring more dowry. The complainant-2nd respondent gave birth to a female child on 26.5.2012 and when she went to the house of her in-laws along with the child, all the petitioners along with A.1 and A.2 harassed her demanding to bring Rs.1,00,000/- as additional dowry.

11. Further on 20.3.2013 at about 8.00 p.m. after reaching home from Gandhinagar Police Station, A.2 and the petitioners herein assaulted her. On hearing her cries, neighbours informed the incident to her parents and that her mother brought constables from Musheerabad Police Station and took her to the police station and she was referred to Gandhi Hospital as she fell unconscious.

12. All the facts and circumstances discussed above, clearly goes to suggest that specific overt acts are attributed to the petitioners alleging that they frequently used to pick up quarrels and abused her demanding additional dowry. It is also alleged that they assaulted the complainant on 20.3.2013, that she sustained injuries and the police after registering the F.I.R. referred her to Gandhi Hospital for treatment. In view of the said specific instances and overt acts attributed to the petitioners, I find prima facie material to prosecute the petitioners for the alleged offences. There is nothing to suggest any abuse of process of Court and prejudice that is caused to the petitioners.

13. In the result, the Criminal Petition is dismissed. The interim stay granted by this Court on 25.06.2013 in CrI.P.M.P.No.2789 of 2013 shall stand vacated.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE N.BALAYOGI

19th February 2018
Tsr

