

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.4015 of 2018

ORDER:

In this petition filed under Section 482 C.P.C., the petitioners/A1 to A4 seek to quash the proceedings against them in C.C.No.696 of 2017 on the file of Judicial First Class Magistrate, Miyalaguda, Nalgonda District.

2) A1 is the husband of defacto complainant. A2 and A3 are parents and A4 is the married sister of A1. The charge sheet allegations are to the effect that marriage between defacto complainant and A1 took place on 05.02.2015. At the time of marriage, the parents of defacto complainant presented Rs.9 lakhs cash as dowry and other paraphernalia as demanded by accused. It was represented to the defacto complainant and her parents that A1 was working as Manager of HDFC bank. However, after marriage the defacto complainant came to know that he was not working in the said bank or anywhere else. All the accused cheated her and her parents by making false representation. The charge sheet would further disclose that A1 used to come to the house late night at 1.00 AM in a drunken condition. When questioned, he used to beat the defacto complainant and she came to know A1 was moving closely with one lady by name A.Manjula and he used to have phone calls with her for a long time. When questioned, A1 curtly stated to defacto complainant that the said Manjula is his original wife and when she enquired, the other

accused have too supported A1 and asked her to bear with. When the parents of defacto complainant raised dispute before elders, all the accused stated before the elders they would throw away Rs.9 lakhs dowry paid by the parents of defacto complainant and asked them to go away. Ultimately they necked her out of the house. On 06.02.2016 she gave birth to a baby and when her parents tried with elders to convince A1 to lead marital life with her after birth of the child, their efforts have not fructified.

3) Denying the charge sheet allegations, learned counsel for petitioners would submit that all the accused are innocent and they have not committed any offence with regard to alleged illegal contacts of A1. Learned counsel for petitioners would further submit the police after investigation deleted the name of Manjula with whom A1 is allegedly having illicit connection. Therefore, the allegation that he is having illicit connection with her is not correct. He would further submit that A4 is a married sister of A1 and she has nothing to do with the affairs of A1 and defacto complainant and she is unnecessarily roped in. He would also submit A2 and A3 are the aged persons and they are also falsely implicated in this case. He thus prayed to quash the proceedings.

4) Opposing the petition, learned Additional Public Prosecutor would submit that in 161 Cr.P.C. statements of complainant and other witnesses would clearly reveal the complicity of the accused in the offence. He thus prayed to dismiss the petition.

5) A perusal of 161 Cr.P.C. statements of defacto complainant and her parents, brother and other mediators (LWs.1 to 9) would reveal that all the accused have made a false representation before marriage as if A1 was working as Manager in HDFC bank and later it was found as wrong statement. Further, they harassed her for additional dowry and sofaras A1 is concerned, he was having illicit intimacy with one A.Manjula and when questioned, all the accused stated as the said Manjula is the wife of A1 and complainant has to bear with the same.

6) It is true that the police after investigation deleted the name of A.Manjula from the array of accused on the observation that she did not participate in the harassment meted out to the defacto complainant by the other accused. However, such deletion will not mitigate the offence against the accused particularly A1. The deletion of the name of said A.Manjula from the charge sheet was for the reason that she did not participate in the harassment of defacto complainant but not on the ground that investigation did not reveal there was no illicit connection between A1 and said Manjula. Therefore, the deletion of her name in the charge sheet is not a consequence. Sofaras A4 is concerned, it is true that she is a married sister. However, she is also residing in Hyderabad and the statements of witnesses including the mediators would reveal a *prima facie* accusation against her and other accused. In view of charge sheet and other material showing a *prima*

facie case against the accused, it is not apposite to quash the proceedings against the petitioners/accused Nos.1 to 4.

7) This Criminal Petition is accordingly dismissed.

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

U. DURGA PRASAD RAO, J

Date:16.04.2018
Murthy

