

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition Nos.2781 and 3810 of 2011

ORDER:

Criminal Petition No.3810 of 2011 is filed by petitioner/A.1 and Criminal Petition No.2781 of 2011 is filed by the petitioners/ A.2 to A.5 seeking to quash the proceedings against them in Crime No.19/2011 of Buttaigudem PS, West Godavari District, registered for the offences under Sections 498-A r/w 34 IPC and Sections 3 & 4 of D.P. Act.

2) The *defacto* complainant is the wife of A.1, A.2 & A.3 are parents and A.4 & A.5 are brother and sister of A.1. The complaint allegations are that the complainant studied upto MBA and was working as Office incharge in Rahul Properties and Developers Real Estate Company, situated in Dilsukhnagar, Hyderabad. A.1 was her colleague and was residing in Janapriya Quarters, Dilsukhnagar. They both fell in love and got married on 02.06.2009 in Venkateshwara Swamy Temple, Buttaigudem, with the help of police against the liking of the other accused. After marriage, parents of the complainant gave Rs.8 lakhs as dowry and 5 tolas of gold to accused. Within short time after marriage, A.1 addicted to vices and squandered the dowry amount and started insisting the complainant to bring the additional dowry. The other accused provoked him and he drove away from the matrimonial home on 15.10.2010. Though

elders mediated, it did not fructify. The accused demanded her to come with additional dowry. Hence the complaint.

3) Heard both sides.

4) Denouncing the charges, it is pleaded that a false case is filed against all the accused. It is also argued that except an omnibus allegation, no specific accusations are made against petitioners/A.2 to A.5 and they were unnecessarily roped in the case.

5) A perusal of the complaint as well as 161 Cr.P.C statements of the complainant and other witnesses revealed strong *prima facie* accusation against petitioner/A.1. The investigation is in the nascent stage. Therefore, it is not a fit case to quash the proceedings so far as the petitioner/A.1 is concerned. So far as other accused are concerned, their contention is that A.2 to A.5 are living in Kurnool whereas A.1 and complainant are living at Hyderabad and as A.1 married the complainant against their wish, they did not go to him and therefore, the question of other accused living with A.1 and the *defacto* complainant and their causing harassment to her or goading A.1 to demand additional dowry from the complainant does not arise. Such allegation is made only to implicate the accused. Learned counsel for 2nd respondent/complainant would argue that petitioners/A.4 and A.5 being the brother and sister of A.1, lived for sometime along with A.1 and complainant in Mohan Nagar, Dilsukhnagar and during their stay, they instigated A.1 to demand

additional dowry from the complainant and on their ill-advice only, A.1 drove the complainant from the house. However, complaint and 161 Cr.P.C statements do not reveal that the other accused lived along with A.1 and the complainant either at Hyderabad or any other place. Admittedly, A.1 married complainant against the wish of his parents and other family members with the aid of the police of Buttaigudem. In such scenario, it is hard to believe that other accused had any say in the matrimonial affairs of A.1 and complainant. Therefore, in my considered view, the material on record i.e, complaint and 161 Cr.P.C statements do not reveal any *prima facie* case against the petitioners/A.2 to A.5. Hence, continuation of the proceedings against them would amount to abuse of process of the Court.

6) In the result, Criminal Petition No.3810 of 2011 filed by petitioner/A.1 is dismissed and Criminal Petition No.2781 of 2011 filed by the petitioners/A.2 to A.5 is allowed and the proceedings against them in Crime No.19/2011 of Buttaigudem PS, West Godavari District, are quashed.

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

U. DURGA PRASAD RAO, J

Date: 06.08.2018

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