

THE HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.9081 of 2011

ORDER:

This petition under Section 482 of Cr.P.C. is filed by accused Nos.2 to 7 seeking to quash the proceedings against them in Crime No.98 of 2011 on the file of Tenali III Town Police Station, Tenali.

2. The contention of the petitioners-accused is that they are innocents and did not commit any crime much less the offences punishable under Sections 498-A, 307, 506 r/w 34 IPC. There is abnormal delay of about 6 months from the date of alleged incident to the date of lodging the complaint, but there is no reasonable explanation from the second respondent-complainant for such inordinate delay. It is further contended that there is no mention of specific dates on which the petitioners allegedly harassed the second respondent-complainant except *omni bus* allegations. It is further contended that the petitioners No.1 and 2 are residing at Thokavaripalem village and the other petitioners are married sisters of A.1 and they are residing at different places with their respective families. In order to create cause of action, the second respondent alleged that the petitioners came to her matrimonial house and threatened her with dire consequences.

3. On the other hand, the learned counsel appearing for the second respondent-complainant contended that all the petitioners used to harass the second respondent demanding additional dowry and bore grudge because she gave birth to two female children and they also attempted to murder the second respondent and finally, necked her out from the matrimonial home.

4. Learned Assistant Public Prosecutor also 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 at this stage.

5. Heard the learned counsel for the petitioners, learned Assistant Public Prosecutor for first respondent and learned counsel 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, the second respondent filed a private complaint against the petitioners herein and her husband-A.1 on 30.06.2011. In the complaint it is alleged that at the time of marriage, the parents of second respondent presented Rs.2,00,000/- cash towards **pasupu** kunkuma and the said amount was handed over to A.1 for development on the same day. It is further alleged that she gave birth to two female children and on that ground, the petitioners started to dislike her and started harassing her. After giving birth to second child, the petitioners demanded and harassed the second respondent to bring Rs.2.00 lakhs towards additional dowry. It is also specifically alleged in the complaint that the petitioners used to encourage and instigate A.1 to harass the second respondent and at their instigation, her husband-A.1 used to beat her. It is further alleged that on 08.01.2011 at 9.00 a.m., the husband of the second respondent and the petitioners herein necked out her and the children from the house.

8. The contention of the learned counsel for the petitioners is that the petitioners herein are residing at different places and hence, there is no possibility for them to harass the second respondent as alleged in the complaint. But in the complaint, there is specific allegation that Thati Samrajyam (3rd petitioner herein), who is elder sister of A.1 and her husband along with their children used to stay with the complainant and A.1, and that they frequently used to abuse her and joined hands with A.1 and her parents-in-law (petitioners 1 and 2) in harassing her. It is also specifically alleged that on one occasion, the petitioners herein tried to murder her by pressing a pillow on her face. As already observed, it is the specific allegation in the complaint that on 08.01.2011 at 9.00 a.m., the petitioners herein along with A.1 beat her indiscriminately and necked her out along with her children from the house on the ground that she did not bring the amount as demanded by them towards additional dowry. On the next day i.e. on 09.01.2011, she went to the police station at Tenali and presented a report and as there was no action from the police, she filed the private complaint. Thus, the complainant properly explained the delay in lodging the complaint on 30.06.2011. Further the aspect of delay in lodging the complaint has to be proved by adducing evidence during the course of trial. In view of the facts and circumstances discussed above, this Court is not inclined to accept the contention of the petitioners that only *omni bus* allegations are made against them. But whereas, there are specific overt acts attributed to the petitioners regarding the harassment meted out to the complainant-second respondent herein.

9. 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.

10. In the result, the Criminal Petition is dismissed. The interim stay granted by this Court on 27.09.2011 in CrI.P.M.P.No.9916 of 2011 shall stand vacated.

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

JUSTICE N.BALAYOGI

23rd February 2018
Tsr

