

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.4854, 4855, 5237 and 5265 OF 2018

COMMON ORDER:

These Criminal Petitions are filed under Section 482 Cr.P.C by the respective petitioners/ A1 to A8 i.e. CrI.P.No.5237 of 2018 by A1, CrI.P.No.5265 of 2018 by A2 and A3, CrI.P.No.4854 of 2018 by A4 and CrI.P.No.4855 of 2018 by A5 to A8, seeking to quash the proceedings in C.C.No.9 of 2018 on the file of the Special Mobile Magistrate, Guntur, where taken cognizance for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, which is an outcome of the report of the 2nd respondent/de facto complainant, no other than wife of A1 in Crime No.270 of 2017 dated 02.12.2017 registered by Women Police Station, Guntur urban and the police, after investigation, by citing nine witnesses including investigating officer (LW.9), filed the charge sheet. LW.1 is the de facto complainant, LWs.2 and 3 are her parents, LWs.4 to 6 are elders in both groups and LWs.7 and 8 are the other circumstantial witnesses.

2. The contentions of the learned counsel for the petitioners in the quash petitions are that after the marriage of A1 with de facto complainant taken place on 01.12.2010 at Guntur under Hindu Law, by then A1 was working in Hyderabad in Aircel, where the de facto complainant joined him, who were staying at Bharathnagar, Hyderabad and blessed with two children in their

wedlock respectively in 2011 and 2013 end, while the second issue born, they were staying at Bowenpally from 2012 and on 27.02.2013, A1 left the job and went to West Africa and joined in a new job in May, 2013, which is prior to the second delivery of another female baby to the de facto complainant at her parents house at Gorantla, Guntur, where she was staying till her husband returned back to India after that job at West Africa in May, 2014.

3. In the report or in the charge sheet from the investigation material, there are no allegations of any ill-treatment or harassment by any of the accused till 24.05.2014. Her allegations mainly of the harassment started subsequent to that in saying the parents of the de facto complaint gifted a house to her at Arundalpet, Guntur, where she was staying from June, 2014 to 1st week of October, 2017, her husband after completion of his contract works in the second time after May, 2014, returned in September, 2015 and again in January, 2016, went to Kenya and returned back from Kenya on 13.07.2016. Later, he constructed a house at Gorantla in the site purchased with his augmenting, while working in South Africa in the name of the de facto complainant under his supervision ground+two floors with house warming ceremony performed on 16.10.2016. After the house warming ceremony, the parents of A1 i.e. A2 and A3 shifted to the newly built house at Gorantla from Vijayawada. There were business dealings between A1 and his co-brother and

there were disputes there from and ultimately, disputes arose between A1 and de facto complainant and there was a quarrel between them on 11.07.2016 over money issue with said K.Nagaraju, co-brother of A1 and A1, it appears shifted to Gorantla and started staying with his parents in his new house by leaving the company of de facto complainant. Ultimately, A1 brought back his wife to the new house at Gorantla in October, 2017. It is, there from, her specific allegations are A1 harassing and beating so also inmates A2 and A3 and further added A4, brother of A1 and A5 to A8, mother's sister and her two sons and daughter-in-laws of A1, who are residing nearby started harassing and ill-treating including for additional dowry and with these demands, there is without even a date and instances deposed including by LW.6 about all the accused, A1 to A8 came armed with sticks in raid to the de facto complainant of father's house but for that, that noway tantamount to any dowry harassment or ill-treatment of her if at all it is in writing contemplated by Section 148 IPC against de facto complainant's father. There are no other allegations but for the vague allegations so far as A4 to A8 that too none are residing together in the house along with A1 to A3 and de facto complainant at Gorantla or earlier in the house of the parents of the de facto complainant given to her at Arundalept. Law is fairly settled in this regard from the expression of the Apex Court in Geeta Mehrotra and another v. State of Uttar Pradesh¹ and in

¹ 2012(10) SCC 741

Taramani Parekh v. State of Madhya Pradesh² that unless there are specific overtacts to specific allegations, the roping of all the family members of the husband of the de facto complainant for the dowry harassment and ill-treatment cases cannot be allowed to continue by abusing the process of law and the same is squarely applicable to petitioners/ A4 to A8 and insofar as A1 to A3 are concerned, there is nothing to interfere.

4. Accordingly CrI.P.Nos.4854 and 4855 of 2018 are allowed by quashing the proceedings against A4 to A8 in C.C.No.9 of 2018 on the file of the Special Mobile Magistrate, Guntur and CrI.P.Nos.5237 and 5265 of 2018 are dismissed. Since A3 is a paralysis patient and from the difficulty expressed to attend the Court regularly, liberty is given to the petitioners/ A1 to A3 to approach the trial Court by filing an application under Rule 37 of the Criminal Rules of Practice for one to represent others to consider the same by the learned Magistrate.

5. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 28.11.2018
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² 2015(2) ALT CrI.336(SC)