

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6470 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/ A1, seeking to quash the proceedings in C.C. No.340 of 2017 on the file of XXIII Metropolitan Magistrate, Cyberabad, at Rajendranagar, where taken cognizance for the offence punishable under Section 498-A I.P.C, which is outcome of Crime No.4 of 2017, dated 02.01.2017, registered on the report of LW.1/ de facto complainant.

2. The police, after investigation, citing the de facto complainant as LW.1 and the investigating officer as LW.2 filed the charge sheet and the learned Magistrate has taken cognizance for the offence there from by allotting C.C.No.340 of 2017, same is impugned with the contentions that when the very report viz. the statement of the de facto complainant as LW.1 during investigation with details by reiterating the cryptic report contents not even on its face value made out any offence to attract Section 498-A IPC, thereby, the proceedings are liable to be quashed.

3. Notice sent to respondent No.1/de facto complainant returned as 'left' is a sufficient service. Heard the learned counsel for the petitioner and learned Public Prosecutor representing the State and perused the material on record.

4. For more clarity, the report of the de facto complainant at page No.6-A and the statement of the de facto complainant during investigation as LW.1 at page No.12 are reproduced herein, in fact that is the gist of the charge sheet.

Page No.6-A:

“ I file a complaint against Anang for mental harassment and cruelty. He has abandoned me and left the house on 4th December, 2016. Since then he has not come back and does not pick my calls. He has blocked my number. I stay alone and this has made me worried and tensed. He has tricked me into marriage. He is mentally harassing me since September by forcing me to leave his house. He avoids me and locks himself in a room and stopped talking to me. All this has mental harassment has led to mental trauma. He was sleeping in another room since September. I am depressed because of his behavior. Anything happens to me Anang Kumar is responsible for it since the first day of marriage his relatives have mentally harassed me with marriage gifts. His mother ill treats me, makes me eat stale food and compared me with maid and forced me to eat food.

Page No.12:

“.....Before our marriage my husband told me that the money earns and he would be spending the money for expenses and with that promise he married me. After our marriage for employment reasons we came to Hyderabad on 07.08.2018 and have been residing in PBEL City in the limits of Peeramcheruvu Village. My husband is employed as Program Manager in Microsoft Company situated in Nanakramguda. After coming to Hyderabad my husband use to took up quarrels for petty issues and use to harassment physically and mentally. Even though I am spending the amount for household expenses he asks me the remaining money. After our marriage when we went to my husband's house they have ill-treated me and saying that the gifts given to me are not good. His mother Smt.Usharani come to our place in the month of August and she use to pick quarrels

in petty issues and use to harassment and she left in the month of September. My husband use to go out and come back in midnight and use to sleep in one room and he was not talking to me and he use to leave in the morning, in holidays also he would not take me out and he use to stay in his room watching movies and would not allow me into that room he is block listed in number in his phone. He use to tell me to leave the house and he was not talking to me properly he use to harassment stating that I should learned cooking and cook every day. On 14.12.2016 my husband packed his bag and was leaving when I was questioned me as to where he was going he kicked holdout me and neck him into the room he left-on he is not come back. When I asked me to come back he is not returned.

In this regard I request you to take action against my husband and mother-in-law. This statement is given by me.”

5. From the same, when there is a prima facie case in taking cognizance, for this Court, against the cognizance order, nothing to interfere, much less, to quash the C.C. proceedings, but for, if there is any material from the prosecution, not any case made out left open during hearing before charges to consider on own merits under Section 238 r/ w 239 Cr.P.C.
6. Accordingly the Criminal Petition is disposed of.
7. Miscellaneous petitions pending if any, shall stand closed.

Date: 05.11.2018
pab

Dr. B. SIVA SANKARA RAO, J