

THE HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

CRIMINAL PETITION Nos.6974 and 7350 of 2018

COMMON ORDER:

These petitions are filed by petitioners/ A1 and A2 seeking anticipatory bail in Crime No.282 of 2018 of S.N.Puram Police Station, Vijayawada City, Krishna District, registered for the offences punishable under Sections 498-A, 377, 323, 506 r/w 34 I.P.C.

2. The brief allegations of the complaint are that the marriage between A1 and the de facto complainant took place on 08.03.2015. A1 has been working as Radar Fitter in Indian Air Force Station of Bagdhogra, Darjeeling District, West Bengal. Since short time after marriage, A1 who was already addicted to alcohol used to come home in drunken condition and harass her mentally and physically and also used to behave sadistically during the time of intercourse. It is also her case that he and A2 demanded her an additional dowry of Rs.5,00,000/- and with much difficulty, her father paid Rs.1,00,000/- on one occasion and Rs.1,50,000/- on another occasion and in spite of it the accused did not allow the complainant into the house and A2 beat her and drove her away from the house. The investigation is reported to be pending.

3. Denying the complaint allegations, bail is pleaded mainly on the submission that the petitioner/ A1 filed O.P.No.131 of 2017 on the file of the Principal Senior Civil Judge, Srikakulam, seeking divorce on the ground of desertion and cruelty meted out by the de facto complainant, as she was moving with her boy friend and neglected her husband. As a counter-blast, the complainant filed O.P.No.191 of 2017 on the file of the Additional Senior Civil Judge,

Srikakulam under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and both the OPs are pending. Not satisfied, it is argued, the instant criminal complaint is lodged only to harass the petitioner.

4. It is seen that the dispute is a matrimonial dispute and so far, the parties are not referred to Family Welfare Committee as ordained in the decision of the Apex Court dated 27.07.2017 in CrI.A.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in Rajesh Sharma & Others Vs. State of U.P. & Another. Therefore, the investigating officer in this case is directed to refer the parties to the concerned Family Welfare Committee at Vijayawada for effecting reconciliation in terms of the aforesaid decision. Needless to emphasize, pending the report, the investigating officer shall not arrest the petitioners/ A1 and A2. The petitioners are directed to cooperate with the investigating agency and attend before the Family Welfare Committee for making reconciliation efforts. Subject to the result of the reconciliation efforts, the petitioners if need be, can renew their bail applications.

5. Accordingly, the petitions are disposed of.

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

U.DURGA PRASAD RAO, J

Date: 26.07.2018

Note:

Issue C.C. tomorrow.

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