

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2773 OF 2011

ORDER:

This petition is filed under Section 482 Cr.P.C. by the petitioners A1 to A4, seeking to quash proceedings against them in Crime No.113 of 2011 of II Town Police Station, Vijayawada City, Krishna District, registered for the offences under Section 498A IPC.

2. The *de facto* complainant gave report to the police stating that her younger daughter, Bhulakshmi, was studying Physiotherapy Course second year and her eldest daughter, Durga Bhavani, delivered a baby in the hospital and in that connection, the complainant was attending her in the hospital and her husband was out of station. She further stated that on 05.03.2011 at about 11.30 hours when her daughter Bhulakshmi along with one Chinta Lakshmi, who was residing near her house, was going to fetch drinking water, one Hari (A1) approached them along with four others and picked her and taken away in a red car. On knowing it, the complainant searched for her. At about 05.30 hours, the said Hari telephoned her and demanded rupees ten lakhs to handover her daughter. The complainant suspected the hand of Annapurna (A2), her son-in-law Prasad (A3), Ramu (A5) and the friends of A1. Investigation is reported to be pending.

3. Denying the complaint allegations, the submission of the learned counsel for petitioners is that both the missing

girl and A1 fell in love and in fact, they were married in Arya Samaj Mandir at Secunderabad on 07.03.2011, as both of them were majors by then and therefore, the FIR is not maintainable. The petitioner sought to produce the academic certificates of A1 and the missing girl, whose authenticity is a subject matter of proof.

4. In view of the above circumstances, this Court is of the considered view that the investigation shall go on to unearth the fact as to whether the missing girl and A1 were majors by the date of alleged offence and whether they were married in Arya Samaj Mandir, Secunderabad, on 07.03.2011 or whether A1 with the connivance of other accused kidnapped the girl. The investigation officer shall summon the accused and receive the relevant documents such as academic records, educational certificates etc., of the missing girl and A1 produced by them and enquire them. In the course of investigation, the Investigation Officer shall not arrest the accused. The petitioners are directed to cooperate with the investigating agency for smooth completion of investigation.

5. Accordingly, with the above directions, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as a consequence.

U.DURGA PRASAD RAO, J

18.07.2018
SS