

THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.7391 of 2011

ORDER:

This Criminal Petition is filed under section 482 of Cr.P.C., to quash the proceedings in Crime No.111 of 2011 on the file of the Station House Officer, Women Police Station, Saroornagar, Cyberabad, Ranga Reddy District, for the offence under section 498-A IPC.

2. The contention of the petitioners is that, the petitioners are parents of 1st accused are falsely implicated, except bald and ominous allegations, there is no specific allegation against any of the petitioners. That the 2nd respondent and her family members suppressed the fact that she is divorcee and it is second marriage for her and when 1st accused questioned about the same, the 2nd respondent has foisted the case as a counter blast to the case in Crime No.848 of 2011. When the 2nd respondent left the matrimonial home without any intimation, then the A-1 got issued legal notice for which there is no reply.

3. It is further contended that the petitioners are aged persons and they are nothing to do with the alleged offence and the major allegations are only against A-1. Under those circumstances, continuation of proceedings against the petitioners is nothing but abuse of process of law.

4. Per contra, the learned Public Prosecutor contended that there is sufficient material to prosecute the case and there is nothing to suggest that there is abuse of process of law by the complainant.

5. Now, the point that arises for determination is:

Whether there is any abuse of process of law or prima facie material to proceed against the petitioners?

6. A perusal of the record go to suggest that the marriage between the 1st accused and 2nd respondent / complainant was solemnized on 2.6.2010. Petitioners are arrayed as accused Nos.2 and 3 in the complaint of 2nd respondent. A-1 is none other than the son of the petitioners made a complaint to the L.B. Nagar police on 09.5.2011 against the 2nd respondent and her father alleging that after marriage on 2.6.2010, the total family is put up at Hyderabad and the 1st accused used to live with his parents as he is the only son. 2nd respondent is not willing to stay with her husband-A-1 along with petitioners herein. The petitioners are aged persons and he has to look after them. When the 1st accused questioned about the 2nd marriage of 2nd respondent, then onwards the 2nd respondent started threatening the 1st accused that she will file a criminal case under section 498-A and DVC case. Subsequently, the 1st accused got issued legal notice to the 2nd respondent dated:9-4-2011 alleging that after marriage they lived happily for a period of one month. Thereafter, 2nd respondent started harassing A-1 asking to put up separate family without old parents. But the 1st accused requested the 2nd respondent not to live separately due to his old aged parents and he is the only son to look after his parents who are suffering from different diseases. The 2nd respondent, at the instance of her father, harassed and threatened the 1st accused and filed DVC case and also case under section 498-A IPC. On suspicion, the 1st accused enquired about 2nd respondent where she was living before the 2nd marriage and he came to know that the 2nd respondent is a divorcee and the 2nd respondent

and her father suppressed the real fact of 1st marriage and again married the 1st accused with the help of mediator. The said legal notice was served on 2nd respondent but no reply.

7. It is the further contention of the petitioner that subsequent to legal notice dated:09-4-2011, as a counter blast, 2nd respondent made the present complaint. There is a specific allegation that at the time of marriage, they paid Rs.4,00,000/- towards dowry and after marriage, they lead marital life happily for one month. Thereafter, 1st accused took her gold ornaments ie., Nantadu and ring etc., and started harassing to bring more money.

8. The further allegation is that her in-laws also supported her husband who tried to kill her with a knife. The petitioners 1 and 2 harassed the 2nd respondent for want of dowry. There is specific allegation against the petitioner No.2 that he attempted to kill her with a knife. Therefore, she escaped from the said attempt of murder. Further allegation is that Yalamanda Rao, Padma and Swathi and her in-laws also harassed her. The 1st accused did not heed to the request of the mediators who came to pacify the issue.

9. In the circumstances discussed above, it is an admitted fact that marriage between the 1st accused and 2nd respondent was solemnised on 2.6.2010 in the presence of elders of both sides at Srisailam. After marriage, they lived happily for one month and thereafter, ruckus started between them. 1st accused used to harass the 2nd respondent demanding additional dowry. 2nd petitioner who is A2 also attempted to kill her with knife but she escaped. He also used to harass the 2nd respondent demanding additional dowry. No specific allegation is attributed to the 1st petitioner hereto. It is also an admitted fact that

after marriage, they lived together for one month. The harassment started only when 1st accused came to know about the first marriage of 2nd respondent alleging that the complainant earlier got married and she suppressed the said fact of 1st marriage and again she married the 1st accused. In view of the specific allegation against 2nd petitioner that he attacked 2nd respondent with knife, I am of the considered view that there is prima facie material to prosecute the 2nd petitioner and no prejudice will be caused. Hence, the Cr.No.111 of 2011 on the file of the Station House Officer, Women P.S., Saroornagar, Cyberabad, Ranga Reddy, in so far as 1st petitioner-A2 is concerned is quashed and the Criminal Petition is allowed in so far as 1st petitioner-A2 only. In so far as 2nd petitioner-A3 (father-in-law) is concerned, Criminal Petition is dismissed.

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

Dated:01-02-2018

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JUSTICE N. BALAYOGI



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