

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8421 OF 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are A1 to A3, in Crime No.44 of 2011 on the file of Kambadur Police Station, Anantapur District. The offences alleged are under Sections 498A r/w 34 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The complaint is filed by the 2nd respondent stating that there was love between the 1st petitioner and herself and that later they got married and after marriage she was taken to the house of the 1st petitioner and the 1st petitioner was studying B.Tech in Kuppam. The marriage of the 1st petitioner and the 2nd respondent was not to the liking of the 2nd and 3rd petitioners and they were expressing that they would perform another marriage to the 1st petitioner and they harassed her physically and mentally. The 1st petitioner also used to telephone and heed to the advices of the 2nd and 3rd petitioners and used to abuse the 2nd respondent.

4. These being the allegations, the contention of the petitioners' counsel is that the 2nd respondent is a minor and that a notice was issued by the 1st petitioner on 24.06.2011 asking the parents of the 2nd respondent not to compel him to marry. But the marriage admittedly took place on 21.06.2011.

Hence, there is no meaning for the notice issued on 25.06.2011 asking the parents of the 2nd respondent not to compel him for marriage.

5. The contention of the petitioners' counsel that the 1st petitioner, being a student of B.Tech in Kuppam, would not be in a position to harass the 2nd respondent, is not tenable. The complaint is clear on the manner of harassment. The allegation is that he used to harass her over phone. Hence, unless all these aspects are gone into at the time of trial, the proceedings cannot be quashed.

6. With the above observations, the Criminal Petition is dismissed. However, the police are directed to follow the guidelines enunciated by the Supreme Court in the case of *Arnesh Kumar v. State of Bihar and another (Crl.Appeal No.1277 of 2014)*¹, before effecting the arrest of the petitioner. Interim stay granted by this court on 24.11.2011 in Crl.P.M.P.No.9032 of 2011, shall stand vacated.

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

T.RAJANI, J

October 22, 2018
LMV

¹ (2014) 8 SCC 273