

**HON'BLE SRI JUSTICE P. KESHA RAO**

**CRIMINAL PETITION No.7991 of 2011**

**ORDER:**

Heard learned counsel for the petitioners and the learned Public Prosecutor.

Though notice is served as per the office endorsement, dated 20.09.2011, the 2<sup>nd</sup> respondent has not chosen to appear either in-person or by engaging any counsel.

The present petition is filed by the petitioners/A2 to A5 to quash the proceedings initiated against them in C.C.No.526 of 2010 for the offences under Sections 498-A and 406 IPC and Sections 4 and 6 of the Dowry Prohibition Act (for short "the Act").

The brief facts of the case are that the 2<sup>nd</sup> respondent, who is the *de facto* complainant, lodged a complaint on 07.02.2009 stating that her marriage was performed during the year 1996 and it was an arranged marriage. At the time of marriage, her parents gave cash of Rs.25,000/-, 10 tulas gold, 30 tulas silver and furniture towards dowry. After marriage, she went to her matrimonial house situated at Sanath Nagar, Hyderabad, where her husband looked after her well for about three years. Initially, her husband was working at Praga Tools Company and after the said company was closed, he started working as an Auto driver. After three years, her husband and mother-in-law started harassing her

mentally and physically for bringing additional dowry from her parents. Since her father was retired from APSRTC, she expressed their inability to meet the said demand of additional dowry, upon which, she was beaten up mercilessly. It is also stated that her husband used to suspect her character and that her brothers-in-law used to abuse and beat her. When she complained to the Station House Officer, Sanath Nagar Police Station, her family members were called and they were pacified. She also filed a complaint at Women Police Station, CCS, Hyderabad. Though her husband was counseled, there was no improvement. Therefore, she requested to take action against her family members as per law. Pursuant to the said complaint, a crime was registered vide Crime No.63 of 2009 for the offences mentioned above. Pursuant to the said registration of the crime, the matter was investigated and charge sheet was filed and the same was taken on file by the Court below vide C.C.No.526 of 2010. Aggrieved by the same, the present petition is filed.

Learned counsel appearing for the petitioners would submit that no *prima facie* case is made out from a perusal of the charge sheet, as no specific allegation is made against the petitioners. Learned counsel brought to the notice of the Court the 161 statements recorded by the investigating officer and submitted that except making omnibus allegations against the mother-in-law, brother, cousins and neighbours that the 2<sup>nd</sup> respondent's husband and the 1<sup>st</sup> petitioner, who

is her mother-in-law, used to demand for additional dowry and in the process they used to harass her physically and mentally and also beaten up mercilessly, no other allegation is made against them. As far as petitioner Nos.2 to 4, who are the accused Nos.3 to 5, are concerned, there is absolutely no allegation of whatsoever either in the charge sheet or in the statements recorded by the Investigating Officer.

So far as the 1<sup>st</sup> petitioner, who is the 2<sup>nd</sup> accused, is concerned, in the charge sheet it is mentioned that the 2<sup>nd</sup> respondent's husband with the instigation and support of his mother i.e., the 1<sup>st</sup> petitioner started harassing her mentally and physically demanding to bring additional dowry from her parents. When she expressed their inability, they used to abuse and beat her. Except this statement, there is no other allegation against the 1<sup>st</sup> petitioner. Even in the charge sheet, it is mentioned that sufficient evidence has to be collected against the remaining accused i.e., A3 to A5 and as per the facts and circumstances of the case and the evidence collected so far during the investigation, it is clearly established that A1 to A5 are liable to be punished under Section 498-A and 406 IPC and Sections 4 and 6 of the Act.

Learned Senior counsel appearing on behalf of the petitioners would contend that no supplementary charge sheet is filed after filing the present one in question.

A perusal of the present charge sheet would not make out any case more so, for the offences as alleged in the charge sheet against the petitioners.

Be that as it may, to attract the offences under Section 498-A as well as Sections 4 and 6 of the Act, this Court and the Apex Court reiterated that unless and until specific allegations are made, the accused cannot be allowed to undergo the process of trial. To meet the ends of justice, in the case on hand, no such case is made out against the petitioners.

Therefore, the criminal petition is allowed quashing the proceedings initiated against the petitioners in Crime No.63 of 2009 for the offence under Sections 498-A and 406 IPC and Sections 4 and 6 of the Act. No costs.

Miscellaneous petitions, if any, shall stand closed.

**JUSTICE P. KESHAVA RAO**

Date: 28.12.2017.  
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