

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11060 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/ A1 to A4, seeking to quash the proceedings in C.C.No.677 of 2016 on the file of the III Additional Judicial First Class Magistrate, Khammam, where taken cognizance for the offences punishable under Sections 498-A and 506 IPC and 3 and 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State. The notice sent to the 2nd respondent to the same address furnished in the charge sheet, is returned as 'out for delivery', can be taken as sufficient service.

3. A perusal of the charge sheet shows nine witnesses examined. The main allegations are against A1, husband of the de facto complainant including alleged harassment mentally and physically, even though birth of the daughter in 2010 in their wedlock of the marriage performed on 14.06.2008 and there was no change in his attitude, even disputed through elders. What she added is he left the job to his native place. As she was necked out, staying with her parents. She complained to her in-laws, but, they also harassed her by saying if she leaves his company someone will give Rs.10 lakhs dowry to A1 by performance of another marriage. What she further added is later a dispute raised through elders including by complainant about his beating her indiscriminately by coming home and there

was a settlement through intervention by Kallur Police Station from the report dated 12.09.2015, where he assured to look after her well so also in-laws. What she abused is her husband's brothers abused her as to why she was living with him, though he was cordial initially, later reverted his old conduct at their instance. These allegations so far as other accused is as vague as nothing and unless there are specific overtacts with specific allegations against the family members of the husband, they cannot be implicated so causally as held by the Apex Court in *Ruchi Agarwal v. Amit Kumar Agarwal and others*¹ and from the subsequent expression referring to it in *Geeta Mehrotra and another v. State of Uttar Pradesh*² besides the expression of the Apex Court in *Taramani Parekh v. State of Madhya Pradesh*³.

4. Having regard to the above, the cognizance order of the learned Magistrate insofar as A2 to A4 no way sustains, but for, against A1, husband of the de facto complainant.

5. Accordingly, the Criminal Petition is allowed-in-part by quashing the proceedings insofar as against A2 to A4 and dismissed insofar as A1.

6. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 27.11.2018
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¹ 2005(1) ALT (CrI.)(SC)

² 2012(10) SCC 741

³ 2015(2) ALT CrI.336(SC)