

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.11378 of 2018

ORDER:

The petitioners are accused Nos.1 to 4 in crime No.812 of 2018 of Jeedimetla Police Station, Cyberabad, registered on the report of the 2nd respondent-defacto complainant no other than wife of A.1 and advocate by profession registered for the offences punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act. A.2 and A.3 are parents in law of defacto complainant.

The report of the defacto complainant dated 06.10.2018 in registration of the crime reads that the marriage of the defacto complainant with A.1 was performed on 01-05-2002 at Balaji Kalyana Mandapam, Nandyal as per Hindu rites and customs in the presence of elders and it was arranged marriage, before marriage her husband and in-laws demanded Rs.3,00,000/- and 20 tulas gold and her father arranged Rs.1,85,000/- cash, 12 tulas of gold ornaments, Rs.50,000/- towards clothes and 15 grams gold bracelet along with 1/2 tula ring and for the groom besides all household articles worth Rs.50,000/- and her parents performed the marriage on a grand scale by spending Rs.2,50,000/- and after marriage she joined her husband and she says from the day entering into in laws house there was harassment and even before entering the house the in laws while giving harathi sarcastically stated that she brought very

meager amount of dowry to their employed son. She stayed at in-laws house for a period of 1 ½ month at Yemmiganur after marriage where she faced lot of unbearable torture from her in-laws including from her borther-in-law-A4. During that period her husband, in-laws and brother-in-law were demanding to handover the gold ornaments as it was given as part of the dowry and are claiming right over her gold ornaments and for her refusal abused her in vulgar language and she was treated as maid servant on her refusal to part with her gold ornaments and they not even providing proper food by finding fault for what was the dowry given as meager. Her brother-in-law an alcoholic was making sarcastic comments and abuses her and the in-laws are saying if they perform marriage of A.1 to another lady they could get more amount of dowry and with that they are harassing her and her husband prior to marriage as police constable in Reserve Police Battalion and set up family at Beechpally where he was working prior to marriage and on demand of her in-laws and her husband, her parents again given Rs.30,000/- cash and provided groceries sufficient for 2 months and later her husband was not even providing provisions and groceries and for her questioning he was saying he was not getting sufficient salary and making her to starve by not providing food and he is having food outside and her parents were providing monthly rations to her in their stay at Beechpally. When she became pregnant, her husband was going to

Karimnagar to attend assigned duty by left her at her parents' house. She gave birth to a female child on 05-03-2003 (viz., Jahnavi) at Madhumani Hospital, Nandyal and the in-laws were not happy for the birth of female child having expected male child and did not even come to hospital to see the new born baby and her husband only visited once and expressed his disappointment and did not turn up thereafter for about one year four months and the in-laws not even attended cradle ceremony of the child besides other religious ceremonies, there were several panchayaths before elders through her parents against in-laws and husband and her in-laws demanded Rs.50,000/- additional dowry and her father paid Rs.35,000/- cash that was given to her husband then only her husband taken her with the child to Beechpally. Later even he did not change his attitude and not providing provisions by saying he is getting less salary and she lodged a complaint before the Commandant, Reserve Police Force, Beechpally, who informed to his superior officer DIG and therefrom her husband was transferred to Kurnool Head Quarters where allotted a living quarter. There also he did not even change his attitude with demands for additional dowry and for that beating her and her in-laws were using vulgar language and insulting her and her family members before the relatives for the alleged insufficient dowry paid by her parents. Her father in law purchased a plot at Yemmiganur village to an extent of 96 square yards in

Sy.No.445/A in August 2002 with the dowry amount given by her parents at the time of marriage with A.1 and later they came to know that the said plot was registered in the name of her father-in-law and when her husband insisted to transfer in his name by gift deed dated 16-04-2004 transferred in his name. Later she was subjected to harassment by her husband and in-laws and she was necked out ultimately and she filed a criminal complaint to the IV Town PS Kurnool against them registered as crime No.64 of 2006 covered by CC.No.468 of 2006 before the JFCM, Kurnool, for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of DP Act and maintenance case filed by her in Family Court, Kurnool vide FCOP.No.18/2007 covered by order dated 18.12.2010 granting maintenance of Rs.2500/- per month to her and Rs.1500/- per month to the minor child. Her husband filed OP.No.56/2009 for divorce before the Senior Civil Judge, Adoni and during pendency of the litigation, with the intervention of elders, there was settlement and both withdrawn the respective cases. On 02.06.2011 at Vodibiyam function her parents house at Qutbullapur presented 1 ½ tula gold chain and 1/2 tula gold ring to her husband and also buttakammalu and chempasarelu to her weighing about 1 ½ tula gold and she joined her husband at Ashok Nagar, Hyderabad and at that time, she came to know that her husband transferred the plot at Yemmiganur which was purchased with the dowry amount given by her parents,

in the name of her father-in-law without her knowledge and her father-in-law constructed a house therein. It is collusion between her husband and her father-in-law. She lived happily with her husband for a couple of months at Ashok Nagar and she conceived for 2nd time and delivered a male child on 09.11.2012 at Care Hospital, Banjara Hills, Hyderabad, for which her parents spent Rs.50,000/- and not anything by her husband and in-laws and her parents performed cradle ceremony of the child on 22-01-2013 at Modi Function Hall and named the new born child as Sai Thanish Reddy by spending about Rs.1,00,000/- and also presented one tula gold chain and 8 grams gold bracelet to the child besides 2 gold bangles with stones weighing 4 tulas to her and also Rs.50,000/- cash to A.1. Even then A.1 did not change his behavior and attitude and not stopped the demand for additional dowry by increasing from despite her parents are meeting several thousands to meet his demands and at the instigation of her in-laws, her husband bet her to meet the additional dowry of Rs.50,000/- from her refusal to bring and what her parents given of gold chain of 18 grams pledged at Andhra Bank in November 2015 and her husband taken Rs.22,000/- and her parents are paying interest for the said loan. Her husband was transferred to Vijayawada in April 2016 to where the couple shifted and at that time he demanded additional dowry of Rs.50,000/- from her parents including for school admission of the first child and advance

rent to the house at Vijayawada that was meted by her parents and her husband shifted them to Kurnool from Vijayawada in April 2017 and he was sent on deputation from Vijayawada to Kurnool Railway Protection Force where he was working as PC. For the marriage of her brother on 11-11-2016 her parents invited her and her husband, for which her husband demanded Rs.1,00,000/- as additional dowry as a condition for attending the marriage and allowing her to attend even and her parents and brother promised to meet from which he allowed and her parents presented 3 ½ tulas gold chain to her and Rs.50,000/- cash to A.1 at the time of marriage. In March 2017 her husband made a proposal to purchase house at Kurnool on the instigation of her in-laws and on that point he was not having any bank balance and he requested through her finance help from her parents, who provided Rs.50,000/- through one DVD Sharrna friend of her cousin brother Madhu Mohan Reddy on 18-03-2017 covered by pronote executed by husband to which she and her mother stood as witnesses and Madhu Mohan Reddy as a Guarantor, that amount was paid as advance to Skanda Infra Projects, Kurnool on 19-03-2017 to purchase Independent House in their project for Rs.26,90,000/-. The said amount not liquidated by A.1. Later A1 applied for housing loan and in the meantime at the instigation of her in-laws, A1 was harassing her and taken away her gold ornaments weighing about 18 tulas on 29-03-2017 for part payment for the above

house and it was pledged at the instance of her father-in-law and her husband in the name of his cousin brother viz., Vikram Kumar Reddy at SBI, Nandyal and taken gold loan of Rs.2,45,000/- on 30-03-2017 without her knowledge and in collusion with his father. On 16-08-2018 when she made a call to her husband's cousin brother Vikram Kumar Reddy for return of jewellery, he stated the same was pledged and refused to return and at the insistence of her husband she joined in a chit for Rs.5,00,000/- at Sri Rama Raghavendra chits, at Dilsukhnagar in March 2017 and paid monthly installments by her parents on the demand of A.1 and her husband was taken hand loan of Rs.1,50,000/- from S.Srinivas Reddy her brother in law for part payment of the house and later her parents repaid. Her husband insisted me to get amount from her parents to clear Badratha Loan raised from his department to get new housing loan and she took hand loan from her brother and transferred the amount to Badratha Loan through her bank account SBI, Nampally on 15-07-2017 an amount of Rs.1,17,000/- in clearing the same and in spite of such co-operation from her side and her parents and brother, A1 did not change his attitude and was manhandling her and harassing for additional dowry and never shown love and affection towards her and the children and even school fees of the children borne by her brother and her husband and in-laws are causing to meet the additional demands for dowry mentally and physically harassing

including by beating with the demand ultimately on 01-07-2017 for which her mother transferred Rs.1,00,000/- to Skanda Infra Projects as part payment and even then he did not stop harassment for further amounts by saying Rs.2,00,000/- payable to the house at complete stage and for inability expressed by her on 02.03.2018 her husband behaved as Psycho and at the instigation of her father in law and mother in law beaten her mercilessly causing injuries to her also pulled her hair and tried to hit her face to wall and for hue and cry, her daughter and neighbours came to the rescue. On 03.03.2018 she lodged a complaint at Women Police Station, Kurnoolm where A.1 accepted his guilt and given undertaking not to repeat such acts in future and even he did not mend his ways to the undertaking and again manhandled her on 28.04.2018 with a demand to bring Rs.2,00,000/- and for refusal he tried to kill by pressing her throat and on her cry, her daughter rushed and tried to stop and even her daughter took snap of such incident through the mobile and on knowing this A.1 fled away. On 05.05.2018 her husband with instigation of in-laws necked her out and her children with wearing clothes and warned not to enter without meeting additional dowry of Rs.2,00,000/- from her parents, from which she and her children taking shelter of her parents and Aswadhama Reddy her maternal uncle and her parents convened panchayat at her parents place many a time including on 11.08.2018 they insisted for

Rs.2,00,000/- saying A.1 in financial crises to take her back with children to marital home and went away in saying they committed the offences thereby to take action.

Even from the above averments, the main allegations are against A.1 her husband and there are no any direct instances so far as in-laws concerned even by mentioning several instances right from her marriage performed in 2002 in saying by additional demands for dowry there was earlier crime No.64 of 2006 on her report registered against 4 accused herein covered by CC.No.468 of 2006 of Kurnool IV Town Police Station from the charge sheet and investigation taken cognizance by the learned Magistrate and the learned Prohibition and Excise Magistrate, Kurnool, after trial delivered judgment on 15.06.2009 acquitting all accused by saying prosecution miserably failed to bring home the guilt against them. In the present complaint so far as the subsequent events after said acquittal judgment dated 15.06.2009 concerned, the only allegation is divorce OP filed by her husband and maintenance OP filed by her and through intervention of elders there was settlement at 01.06.2011. What are the statements subsequent found mentioned are mainly against her husband, what all stated is in laws supported her husband and even what all stated of her husband purchased an independent house from Skanda Infra Projects. It is for that he was demanding the amounts and taking the amounts thereby there are no sustainable

allegations so far as A.2 to A.4 concerned and therefrom perusal of the report and from the material of investigation including from the submission in the course of hearing the learned Public Prosecutor for notice sent to the defacto complainant returned as left is sufficient service.

Accordingly and in the result, this Criminal Petition is partly allowed by quashing the proceedings against A.2 to A.4 and dismissed so far as against A.1 concerned.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 31.12.2018
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