

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11412 of 2018

ORDER :

The petitioners are A.2 to A.5 of Crime No.426 of 2018 of III Town Police Station, Visakhapatnam City, registered for the offences punishable under Sections 420, 406 and 506 read with 34 IPC. The petitioners are seeking to quash the First Information Report registered from the report of the *de facto* complainant/1st respondent by the police supra.

2. Heard learned counsel for the petitioners and perused the First Information Report. Notice of R.1 served, failed to attend.

3. A perusal of the First Information Report shows A.1 lured the *de facto* complainant under the guise of love and had sexual relation with her even physically and covered by photos and by using the same he started blackmailing her and enjoying her sexually and also lured to part with her jewellery that was pledged in the Banks and he did not cause return back by liquidating the pledge for the amount he utilized and he separated her from her husband and set up a separate residence at Seethammadhara by taking a house, there he used to ill-treat her and the mother, father and sister of him, who are petitioner Nos.1 to 3 i.e., A.2 to A.4 were also now and then coming there and using insulting words despite she was put up with all patience and while so A.1 is trying to marry A.5/Gudivaka Annapurna of Eluru and she came to know of their marriage settled and when questioned A.1 and

also the other accused A.2 to A.4, it is stated by A.2 to A.4 that the parents of A.5 are giving dowry of Rs.30,00,000/- and if she is prepared to give, they can cancel the same and when she consulted A.5 she threatened over phone in response to the phone call to do away if she raises any voice. Hence, to take action.

4. The allegation of A.2 to A.4 asked her if at all willing to give that amount offered by the parents of A.5 to cancel the marriage proposal to A.1 with A.5, even taken on face value no way attracts any offence including under Dowry Prohibition Act from close reading of Sections 3 to 6 of the Dowry Prohibition Act and there is no any criminal intimidation from the mere say of they demanded and without that if she raises any issue to kill, it is not even her say to attract the offence under Section 506 IPC the ingredients of Section 503 IPC of it caused alarm to her, which is a pre-requisite of the intentional alarm to attract, that is lacking. Thereby, from the face value of the First Information Report no offences made out, much less cheating or breach of trust for nothing entrusted to them nor even offence under Section 506 IPC against any of the petitioners including against A.5 from the so-called say over phone conversation of she wanted to cause do away.

5. Accordingly, the criminal petition is allowed quashing the proceedings against the petitioners/A.2 to A.5 in Crime No.426 of

2018 of III Town Police Station, Visakhapatnam City. The bail bonds of petitioners/A.2 to A.5 shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

14th November 2018.

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