

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11578 of 2018

ORDER :

The petitioners are A.1 to A.6 in C.C.No.622 of 2017 on the file of Judl.Magistrate of First Class, Adoni outcome of Cr.No.147 of 2017 of II town Police Station registered for offences punishable u/ sec.498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act. The police after investigation filed charge sheet for the offences supra and the learned Magistrate has taken cognizance for the same. It is impugning said cognizance, the present quash petition is filed.

2. Notice sent to the 2nd respondent as per the track record delivered to her address at Teachers colony, Adoni and she failed to attend either in person or through Advocate, taken as heard and heard the learned counsel for the petitioners and the learned Public Prosecutor representing the 1st respondent-State and perused the material on record.

3. The sum and substance of the accusation in the First Information Report from the report of the defacto-complainant in setting law in motion on 10.10.2017 is that she is a Teacher by profession, her marriage with the A. I, son of A.2 and A.3 was performed on 28.02.2016 at Sri Chamundeshwari Kalyana Mandapam, Yadiki village and Mandal, being arranged through elders and at the time of marriage, her parents gave 5 lakhs cash and 15 tulas of gold towards dowry to A.I who is working as Lab Technician Grade-II Electrical Department, Indian Railways. After their marriage, they lived happily up to one month only and thereafter, the A.1 refused to join her. Even he wanted to set up separate family at Adoni in spite of advice of the elders not to do so. Even when she telephoned to her mother-in-law and sisters-in-law by

names Eeramma-A.2, Medasari Kullayamma-A.3 and Eesari Chinna Kullayamma-A.4 and besides Ramalakshmi-A.5 and Lakshmi devi-A.6 who are daughters of A.2, they demanded 5 lakhs of additional dowry for A.1 to take the defacto-complainant to marital life. After some days, she again requested her husband-A.1 but he refused to take her to his fold saying she is not fit for marital life and further said unless she agrees to pay 5 lakhs of additional dowry, he will not take her to marital fold and otherwise he will do away her so that he can marry another woman and he also threatened her over phone to that extent. She earlier reported to Adoni II town Police Station where police convened a panchayat with elders from both side viz; Battela Venkataramudu, Sulemon, Seetaramaiah, Parasuramudu and there was counselling in the presence of elders to set up family at Guntakal but against which the A.1 again kept on harassing her over phone by threatening that he will do away with her. As no other go, she lodged a complaint.

4. From that so far as A.2 to A.6 are concerned, they are mother-in-law and sisters-in-law of the defacto-complainant and the only allegation against them is a demand for additional dowry as condition precedent to allow the defacto-complainant to his fold but the defacto-complainant did not mention the date and time when she telephoned to them and subsequently through elders at the police station about prior to the present report there was settlement in which the A.1 promised to take the defacto-complainant to his fold. Thus, there are no sustainable allegations from the reading of the First Information Report so far as the A.2 to A.5 concerned but for against A.1 for ill-treatment and demand for additional dowry by committing acts of cruelty. The police investigation concerned from examining 6 witnesses including the L.Ws.

5 and 6-the Investigating Officers who registered the crime and completed investigation and filed charge sheet.

5. L.W.1-defacto-complainant reiterated the contents in the First Information Report and L.Ws. 2 to 4 are only the circumstantial witnesses of Indira Nagar, Adoni town who are none other than her parents and brother except that there is no any independent witness examined by police and even from their say the allegation is only against the A.1 mainly and nothing worth against the A.2 to A.6. The suit O.S.No.269 of 2016 filed by A.1 against the defacto-complainant on the file of the learned Junior Civil Judge, Tadipatri to declare the marriage as null and void and the defendant did not appear having received the summons for which exparte decree, dt.09.02.2017 was passed by examining the A.1 and marking Exs.A.1 to A.5 viz; the marriage card, dt.28.02.2016, the marriage photos, legal notice, dt.25.07.2016, the reply notices dt.08.08.2016 and 18.08.2016. The report was dated 10.10.2017 in registration of the crime about 8 months thereafter, however, that may not be a ground to quash the proceedings so far as the A.1 is concerned but for A.2 to A.6.

6. Having regard to the above, the Criminal Petition is allowed in part, by dismissing against the A.1, quashing the proceedings in C.C.No.626 of 2017 on the file of the Judl.Magistrate of First Class, Adoni against A.2 to A.6 only and they are acquitted. Their bail bonds shall stand cancelled. Consequently, pending miscellaneous petitions, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:14.12.2018

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