

HON'BLE Dr.JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.11786 of 2018

ORDER:

The petitioners are A.1 to A.3 of C.C.No.144 of 2017 on the file of the Judl.Magistrate of First Class, at Mylavaram, Krishna District, taken cognizance for the offences punishable u/ sec.498-A IPC and u/ sec.3 and 4 of the Dowry Prohibition Act, registered by the Police, G.Konduru Police Station, Krishna District in Cr.No.98/ 2016, dt.27-06-2016 on the report of the 2nd respondent-defacto-complainant, no other than wife of A.1.

2. The sum and substance of accusation from the First Information Report in registration of the crime from the police final report after investigation by examining L.Ws.2 to 7 besides L.W.1-the defacto-complainant by the Investigating Officers-L.Ws.8 to 10 right from the registration of the crime to filing of the chargesheet are that after marriage of the defacto-complainant with the A.1 performed on 23.10.2015 arranged by elders, she joined her husband/A.1 at the matrimonial house at Venkatgiri, and from the day one, her husband started harassing her under the guise of he spent huge amount for marriage and thereby requires 30lakhs for additional dowry besides 2 acres of land to be given by her mother. Due to that harassment, she went to Hyderabad and during that period the A.1 to A.3 visited her mother and demanded to send her with them but when her mother refused they kept her in a room and for her alarm, they escaped therefrom. Later while the defacto-complainant was at the house of her sister at Hyderabad, the A.1 tried to take her forcibly which she reported to Banjara Hills police who called for counseling the accused persons, later her husband threatened her and thereby she came to her parents and while staying there, the A.1 used to visit and harass her physically and mentally and also giving threatening phone calls.

3. In the chargesheet, it is stated that from the investigation it makes out a case. There is no specific allegations so far as the A.2 and A.3

concerned of any cruelty contemplated by Section 498-A IPC. In fact, the allegations if at all against them are as vague as anything no way suffice as rightly pointed out by the learned counsel for the quash petitioners referring to the expression of the Apex Court in *Geeta Melhtra Vs. State of UP*¹ that unless there are specific allegations of incidents to attribute any offence against any of the family members of the husband, it is not justifiable to continue the proceedings against them to subserve the ends of justice and to prevent abuse of process. Similar is the expression in *Kamaraj Vs. State of Punjab*² in saying for the fault of the husband by his acts of cruelty, his relatives cannot be roped so casually. Thus, for want of prima facie accusation so far as the A.2 and A.3 concerned, petition can be allowed to that extent by quashing proceedings against them.

4. Now coming to the case against the A.1-husband of the defacto-complainant, there is sustainable accusation of specific instances that right from the date of marriage he was harassing and ill-treating including threats through phone calls with demand of additional dowry in cash and landed property. So far as the contention raised for want of jurisdiction to register the crime and investigate the same and to file the chargesheet or to take cognizance by the learned Magistrate, what is contended is under Section 177 CrPC which purports that the act of an offence must be taken place within the jurisdiction of the learned Magistrate, to take cognizance. In fact as per Section 178 CrPC even a part of cause of action arisen is enough. Section 179 CrPC specifically says when an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued. Suffice to say from the very report and the investigation and from the acts complained of partly taken place at the parents place of the defacto-

¹ (2012) 10 SCC 741

complainant Velaturu, within the limits of G.Konduru mandal, leave about part of the cause of action arisen at Hyderabad from the further acts complained, it cannot be said that the learned Magistrate at the Mylavaram has no jurisdiction to take cognizance.

5. Having regard to the above, the Criminal Petition is allowed in part by quashing the proceedings so far as A.2 and A.3 in C.C.No.144 of 2017 on the file of the Judl.Magistrate of First Class, at Mylavaram, Krishna District, but dismissed against the A.1 for nothing to quash. The A.2 and A.3 are acquitted and their bail bonds shall stand cancelled. Miscellaneous petitions, if any, pending shall stand closed.

Date:27.11.2018
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Dr. JUSTICE B. SIVA SANKARA RAO

