

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10464 OF 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in Crime/F.I.R.No.356 of 2017 on the file of Women Police Station, D.D., Hyderabad, registered for the offences punishable under Section 498-A of Indian Penal Code (for short "I.P.C.").

Respondent No.2 lodged a report on 01.06.2017 with the police, it reads as follows:

"I Choti Bee w/o Mohammed Ahmed Khan, aged about 27 years, Occupation: Housewife, r/o H.No.9-10-52/A/4, Resham Bagh, Golconda Fort, Hyderabad, and Permanent Address H.No.:8-170, Dargah Khalij Khan, Kismatpur, Rajendra Nagar, RR Dist. Telangana

I would like to submit few lines for your kind information and consideration is that I got married with "Mr. Mohammed Ahmed Khan" on 28.05.2006 at Hyderabad.

After my marriage harassment has started from my In-laws house, any how I continue my married life and bear all the harassment, during this I blessed with a male child namely "Mohammed Saadullah Khan" and now my child aged about 7 years. During this my husband left the country in 2016 and working in Saudi Arabia till now.

Since the time savior harassment has been started from my In-laws house members, and I was staying with my parents house, recently my father in laws beat me and taken my child without my permission but any how I complaint at area PS and got back my child, and I am mentally physically torture by the following candidates as mentioned below:

- Mohammed Ahmed Khan (Husband)
Contact No:+966572571985 KSA
- Mohammed Sikander Khan (Father In law)
Contact No:9160589833
- Naima Akhtari (Mother In Law) Contact
No:9391546382
- Mohammed Wahed Khan (Husband Brother)
Contact No.

I submit that the above candidates are harassed me during the stay at my in laws house and at the time of marriage my parents has given dowry as below mentioned.

- Complete furniture
- Gold 1 ½ Tola
- Cash amount Rs.10,000/-

- Silver jewellery etc
- Complete household items
- Dresses etc.

Now I request to the you Please, I do not want to continue my married life with my in laws house and I want to stay with my husband only.

Hence, I request you to please kindly help me in this regards and help me to get justice from the above mentioned candidates. And do the needful, I will be very grateful to you.”

On the strength of the report, police registered a case in Crime No.356 of 20127 for the offence punishable under Section 498-A of I.P.C., issued F.I.R.

The present petition is filed on the ground that no specific details were mentioned as to the date and place of harassment allegedly met in the hands of the petitioners, they are only in-laws and brother-in-law and in the absence of any specific allegations against each of the petitioners in the report lodged with the police, investigation cannot be continued and requested to quash the proceedings against the petitioners at this stage i.e. before commencement of investigation.

During hearing, learned counsel for the petitioners reiterated the same contentions as averred in the petition.

Learned Public Prosecutor for the State of Telangana supported the case of the respondent No.2.

A bare look at the allegations made in the complaint, respondent No.2 suffered harassment immediately after joining in the matrimonial home and she tolerated all the harassment and lead marital life with her husband at her in-laws house and blessed with a child, now, who is aged '7' years. In the meanwhile, her husband/accused No.1 left for Saudi Arabia in the year 2016,

but still she continued with her in-laws and suffered harassment both physically and mentally and unable to bear such harassment she is left her matrimonial home. She also alleged that her parents, at the time of marriage, presented furniture, Gold 1 ½ Tola, Cash of Rs.10,000/- and other household articles etc.

The only contention before this Court is that there were no specific allegations in the report lodged with the police and sought for quashment of the proceedings.

The report lodged with the police is only intimation to the police about the commission of cognizable offence, to set the criminal law into motion and it need not contain minute particulars since it is not an encyclopaedia of facts. Thereby failure to make specific allegations at the time of registering F.I.R. about the commission of cognizable offence is not a ground to quash the proceedings since F.I.R. is not a substantive piece of evidence and non-mentioning of certain facts or vague reference to some others is not fatal as held by the Apex Court in “**Baldev Singh v State of Punjab**”¹

F.I.R. can be used for corroboration under Section 157 of Evidence Act or for contradiction under Section 145 of Evidence Act as held by the Apex Court in “**Apren Joseph alias Current Kunjukunju v. The State of Kerala**”²

Therefore, at best F.I.R. must disclose commission of cognizable offence by any person and if it is cryptic information without disclosing authentic knowledge may not be sufficient to

¹ AIR 1996 SC 372

² AIR 1973 SC 1

register F.I.R. and omission to mention minute details would not vitiate entire proceedings.

When a report is received and issued F.I.R., police will start investigation setting the criminal law into motion and the evidence collected during investigation, police may proceed further. Even if the contention of the learned counsel for the petitioner is accepted that there were no specific allegations in the report, still there is sufficient allegation that the respondent No.2 was subjected to harassment by the petitioners while she was staying at their house to constitute an offence punishable under Section 498-A of I.P.C. Therefore, on the ground that there were no specific allegations in the F.I.R., this Court cannot quash the proceedings as it is not a substantive piece of evidence and it need not contain all minute details. Hence, I find no ground to quash the proceedings at this stage. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

03.01.2018

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