

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.15126 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. for quashing the proceedings in C.C.No.359 of 2016 on the file of the Special Judicial Magistrate of I Class for Prohibition & Excise Cases, Guntur, in respect of the petitioners/A.4, A.5 and A.6 are concerned.

2. Heard the learned counsel for the petitioners/A.4, A.5 and A.6, the learned Assistant Public Prosecutor representing the respondent No.1-State and Sri T.Balamohan Reddy on behalf of the respondent No.2/*de facto* complainant, and perused the record.

3. The learned counsel for the petitioners/A.4, A.5 and A.6 would submit that some omnibus allegations are made against the petitioners and in order to coerce the other accused in this case, the petitioners/A.5 and A.6 are roped in this case. The petitioners/A.5 and A.6 did not harass the *de facto* complainant mentally, physically or demanded any money from her or from her parents. The Hon'ble Supreme Court time and again found that the proceedings under Section 498-A I.P.C. are misused. The distant relatives are roped in for no reason to coerce the other accused in this case and to get leverage in the marriage settlement. While arguing, the learned counsel for the petitioners would concede that there are allegations against the petitioner/A.4, and therefore, did not press the application of the petitioner/A.4, and ultimately prayed to quash the proceedings in C.C.No.359 of 2016 against the petitioners/A.5 and A.6.

4. The learned counsel for the respondent No.2/*de facto* complainant would submit that there are grave and specific allegations against all the petitioners/A.4 to A.6. Having vexed with the attitude of her in-laws, the

de facto complainant was sent to foreign to pursue higher studies by her parents. The *de facto* complainant was subjected to mental and physical torture and was demanded additional dowry on several occasions by the petitioners/A.4 to A.6. There are many instances which were included in the report lodged with the police and the same has come to light in the investigation, and ultimately prayed to quash the proceedings.

5. The learned Assistant Public Prosecutor also made submissions on similar lines as that of the learned counsel for the respondent No.2/*de facto* complainant.

6. In view of the contentions on both the sides, the point for determination is – Whether the proceedings in C.C.No.359 of 2016 on the file of the Special Judicial Magistrate of I Class for Prohibition & Excise Cases, Guntur, are required to be quashed against the petitioners/A.4 to A.6?

7. As conceded by the learned counsel for the petitioners that there are specific and grave allegations against the petitioner/A.4, now the point for determination is – Whether criminal proceedings in C.C.No.359 of 2016 on the file of the Special Judicial Magistrate of I Class for Prohibition & Excise Cases, Guntur, against the petitioners/A.5 and A.6 shall be quashed?

8. In this case, the Investigating Officer, after completion of investigation, filed charge sheet against the accused Nos.1 to 4 and the petitioners for the offences punishable under Sections 498-A, 326, 506 r/w 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

9. As per the case of prosecution, the petitioner/A4 is the sister-in-law of the *de facto* complainant, the petitioner/A.5 is the husband of

petitioner/A.4 and the petitioner/A.6 is the father-in-law of the petitioner/A.4.

10. As per the record placed before this Court, there are allegations that the petitioners/A.4 to A.6 frequently used to visit the house of the accused No.3 from Hyderabad and harass the *de facto* complainant, and demanded the amount of Rs.5 lakhs towards her sister-in-law's dowry. It is also an allegation against these petitioners that if A.1 got married with another woman, he would have fetched Rs.10 crores as dowry. On one day, A.1 to A.6 sat together, called the *de facto* complainant and threatened her saying that her father has got Rs.80 to 90 crores of properties, but her father did not give much dowry according to the status of the parents of A.1 and gave meager amount towards dowry, and demanded additional dowry of Rs.4 to 5 crores, and threatened with dire consequences.

11. There are also allegations against the petitioners/A.4 to A.6 along with other accused in this case that they carried tales to A.1 against the *de facto* complainant by instigating him to subject her mental and physical torture. There are many specific and grave allegations against the petitioners/A.4 and A.6, which were clearly narrated in the charge sheet and also in the statements made by the material witnesses. There is a specific allegation against the petitioner/A.5 that he is working in Delite multinational company and has influence at the national level and he can manage his parents-in-law to do any harm to the *de facto* complainant. It is also allegation against petitioner/A.6 that he has political influence and association with Ministers and he can solve any problem and he instigated A.1 to A.3 to pressurize the *de facto* complainant to get additional dowry. It is also an allegation against the petitioners/A.5 and A.6 that made the *de facto* complainant work hard from 6.00 a.m. to 9.00 p.m. without caring

that she is an education woman and they did not allow the *de facto* complainant to go out along with A.1. There are also other allegations of torturing the *de facto* complainant mentally and physically for want of additional dowry. It can also be held that there are grave allegations against all the petitioners herein.

12. Under these circumstances, it cannot be said that some omnibus allegations are made against the petitioners and those allegations were made in order to coerce the other accused in this case. The truth or otherwise of the allegations is required to be determined after due trial. There is nothing to hold that the petitioners are innocents and they are falsely implicated in this case and the allegations leveled against them do not constitute the offences under Sections 498-A, 326, 506 r/w 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petition is devoid of merit and is liable to be dismissed.

13. Accordingly, this Criminal Petition is dismissed. The interim direction granted on 25.10.2016 shall stand vacated. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 14-02-2018

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