THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.950 of 2014

ORDER :

The petitioners are A.1 to A.5 of Crime No.149 of 2013 of Women Police Station, Begumpet, Hyderabad, of the crime registered for the offences punishable under Sections 498-A, 406, 506 IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961, dated 12.08.2013, from the report of the *de facto* complainant-respondent No.2, no other than the wife of A.1, A.2 and A.3 are the parents of A.1, A.4 is the co-sister, whose husband is Gulam Rabbani one of the brothers of A.1 along with A.5 another brother of A.1. The report in registration of the crime on 12.08.2013 of the *de facto* complainant reads that her father is employer as Assistant Bank Manager in Doha Bank at Doha Qatar, she completed engineering graduation in 2011 and she is residing at her senior paternal uncle M.D.Afzal Mohiuddin’s house at Quarter No.225/B, Court Compound, SP Road, Secunderabad, by naming her as Smt. Majeeda Saleem that her marriage with A.1, who was working as Instrumentation Engineer in M/s.Technip at Doha Qatar, performed in June 2012 at S.P. Road, Secunderabad, and it was after meetings the demands of her husband and the parents-in-law of Rs.3 lakhs dowry and 30 tolas of gold jewellary, which includes one gold ring presented to her husband by believing the words of A.1 is comfortably employed and earning handsome salary. Preliminary marriage talks held in June 2012 and engagement fixed and performed on 06.07.2012 and at the time of engagement ceremony they increased the cash demand of Rs.3 lakhs to Rs.5 lakhs and because marriage already announced to the relatives and friends, with no option, her parents agreed to meet and at the time of engagement given a gold ring worth Rs.25,000/- and a suit to A.1 as agreed and the marriage was performed on 24.08.2012 at Green Palace, Mehdipatnam, under Muslim law and custom and at that time her parents given Rs.5 lakhs cash from their additional demand of Rs.5 lakhs cash and 60 tolas of gold jewellary in addition to house hold articles viz., AC, Refrigerator, LED TV, microwave oven, washing machine, dining table, sofaset, crokery showcause, almirah, double cot with bed, dressing table, etc., besides silver articles of ½ kg that were handed over to A.1 in the presence of her in-laws, other accused supra, and she joined her husband after the marriage in the family house at Chanchalguda, Naya Sadak, Hyderabad, and after her joining to her surprise she noticed that her senior sister-in-law/Smt. Sahiha Begum got married in 2010, she stays with in-laws along with her infant daughter. From the date of her joining immediately after the marriage, they all started harassing her saying the marriage was not performed and dowry was not given to the status of her husband and demanded to bring additional 10 tolas of gold and money to purchase a car and she informed her parents and paternal uncle, she was made to attend all house hold works without considering of newly wedded wife of A.1. Initially they represented of she was also being taken to Doha Qatar along with her husband, but she was not sent with her husband on the ground of the requirement of meeting additional dowry demands before she joins her husband and as her parents immediately could not arrange the additional demand for dowry and her husband alone by leaving her at in-laws house left for Doha Qatar and her parents pooled the money and provided the additional demand of 10 toals of jewellary in October 2012 and so far as money for purchase of car remained assured to meet soon. She was made to work as slave by removed the services of maid servant to meet those additional demands. Her mother-in-law and sister-in-law were very obstinate in saying she could be sent to join her husband only after providing money for purchase of car and all the jewellary they kept in ICICI Bank locker. It was only in October 2012 after her parents convinced her in-laws to meet the additional demand for car purchase money by November, 2012, in October 2012 she was allowed to join her husband at Doha Qatar. Her husband after her joining at Doha Quatar at the instigation of other accused send her back to India on 30.11.2012 and even in that stay at Doha Quatar he physically and mentally harassed her including by beating and with filthy abuses. After she came down to India her parents-in-law and sister-in-law started questioning as to why she did not conceive and to give divorce, they were demanding by racking up disputes and with demands for additional dowry to meet by her parents. Her husband in touch with her parents-in-law and sister-in-law and brother-in-law over phone with day-to-day contacts over internet was not shown any interest to have physical relation and conjugal life with her at Doha Qatar in that stay during October and November 2012 and she was humiliated and taunted and ill-treated on one pretext or other and made her life miserable and she went in depression her husband regularly was calling her parents-in-law and complaining against her. Her younger paternal uncle M.K. Mujeebuddin went to Doha Qatar and he along with her father some how convinced her husband to take her to Doha Qatar by promising the money demanded to meet car purchase without fail and her husband came down to India in January 2013 and took her to Doha Qatar despite her parents-in-law, sister-in-law and brother-in-law prevailed on him not to take her to Doha Qatar. Her husband taken her to airport on 21.01.2013 received a call from her mother-in-law who asked him to come back immediately and he brought her back to their house at Chanchalguda from airport. Again her junior paternal uncle M.K. Mujubuddin came there and convinced them and purchased the ticket for journey from his funds and sent to them Doha Qatar on 23.01.2013 and promised to hand over money to the in-laws within a week and it was not given and for that having been instigated by in-laws, A.1 even informed to her junior paternal uncle over phone for consequences from which he pooled Rs.4 lakhs and handed over to her parents-in-law in February, 2013 and once again they started with additional demand saying Rs.4 lakhs is not even enough to purchase second hand car and to meet by taking finance for new car and other accused instigated A.1 in this regard. Her father purchased ticket on seeing her condition from their harassment in sending her to India when her husband created a unpleasant seen her father dropped at the airport on 15.04.2013 and she came to India to her senior paternal uncle Sri Afzal Moinuddin and the attempts made by her parents and paternal uncle to convince the accused were in vain and they started fresh additional demand for Rs.5 lakhs to take her to Doha Qatar and therefore constrained to file the complaint.

2. In the quash petition the contentions are that the allegations are false and the *de facto* complainant roped with false allegations all the accused persons in lodging the complaint, dated 12.08.2013. In fact, after registration of the crime within 10 days after registration of the crime through intervention of elders, there was a mediation taken place and the matter settled amicably and there was a Memorandum of Understanding (MOU) dated 21.08.2013 and there was pursuant to the MOU qula divorce between A.1 and the *de facto* complainant (R.2) and it was accepted and acted upon and the first petitioner paid Rs.3 lakhs to the *de facto* complainant for final settlement through Demand Draft No.004425, dated 21.08.2013, and also paid towards Mehar and Iddat amounts of Rs.51,000/- and 30,000/- respectively vide other D.D.Nos.004427 and 004428 of even date to the 2nd respondent-*de facto* complainant covered by three demand drafts and in view of the settlement the proceedings though required to be closed and promised by the *de facto* complainant/2nd respondent to cooperate

for withdrawal of the case covered by present crime No.149 of 2018 of W.P.S., Begumpet, North Zone, she having taken the amount did not come forward to withdraw the case, thereby the proceedings are liable to be quashed.

3. Notice sent to the de facto complainant returned as absent and left is sufficient service.

4. Having regard to the above and even she did not choose to contest by notice sent returned as absent and left and from the settlement arrived as per MOU the continuation of proceedings is nothing but abuse of process once they settled the disputes even she did not come forward and choose to withdraw by relying upon the judgment of the Apex Court in **Ruchi Agarwal v. Amit Kumar Agarwal**[1] and in **Mohd. Shamim and others vs. Nahid Begum and another** in Criminal Appeal No.23 of 2005, dated 07.01.2005, it is held that we are of the opinion that the appellant having received the relief she wanted without contest on the basis of terms of compromise, the conduct of her indicates in the criminal petition complaint from which the criminal proceedings continued only to harass the respondent, hence to quash and the same quoted with approval by the Apex Court.

5. Accordingly, the criminal petition is allowed and the proceedings against the petitioners/A.1 to A.5 in Crime No.149 of 2013 of Women Police Station, Begumpet (N/Z) Hyderabad, are

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[1] 2005 (3) SCC 299

quashed and they are acquitted. The bail bonds of the petitioners/A.1 to A.5, if any, shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt:21 -01-2019

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