

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.2145 of 2018

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order, dated 27.06.2018, passed in CrI.M.P.No.2886 of 2017 in Crime No.97 of 2016 on the file of the I Additional Chief Metropolitan Magistrate, Hyderabad, wherein the protest petition filed by the petitioner/complainant against the final report in Crime No.97 of 2016 of Saifabad Police Station, Hyderabad, was dismissed.

The revision petitioner herein filed a private complaint against his father-in-law (A1), wife (A2) and four other police officials (A3 to A6) for the offences punishable under Sections 166, 167, 220, 344, 346, 120-B of IPC and Sections 7 and 13 of the Prevention of Corruption Act before the I-Additional Chief Metropolitan Magistrate, Hyderabad, who referred the same to the police, Saifabad, Hyderabad for investigation and report. The police registered the same as a case in Crime No.97 of 2016 against the accused under the aforesaid Sections of law. After due investigation, the police opined that it is a 'mistake of fact and accordingly a final report was filed before the I-Additional

Chief Metropolitan Magistrate, Hyderabad. After receipt of notice, the revision petitioner filed the aforesaid protest petition i.e., CrI.M.P.No.2886 of 2017 seeking to take up the complaint on file and to conduct enquiry and punish the accused according law. Along with the protest petition, the revision petitioner produced 23 documents to establish the incident. The learned Magistrate recorded the sworn statements of the revision petitioner/complainant and one A.Venkateshwar Rao. However, the learned Magistrate, by an order dated 27.06.2018, dismissed the said protest petition. Questioning the said order, the revision petitioner/complainant filed the present revision.

Brief facts of the case are that the marriage of the revision petitioner/complainant with accused No.2 took place on 11.03.2012 as per Hindu Rights and Customs. Both the petitioner and accused No.2 are well educated and settled as Medical Practitioners and that there was no demand of dowry. It is stated that there was an Income Tax raid in the house of accused No.1, who is the father-in-law of the petitioner, and his family members on 26.12.2012. At that time accused No.1 and his family members distributed huge amounts to their relatives and friends. During the said process, accused No.1 got transferred an amount of RS.25,00,000/- from the account of his son to the account of the mother of the petitioner and

subsequently, the said amount was taken by accused No.1 on different dates, whenever he needed. Taking advantage of the said transactions, accused No.1 insisted accused No.2 to pressurize the petitioner to stay back in their house as Illatam son-in-law and that A-2 demanded the petitioner to stay with them in their house, otherwise they are going to involve the petitioner and his family in a false dowry harassment case, but the petitioner refused to oblige the demand of accused Nos.1 and 2. Keeping the same in mind and bore grudge against the petitioner, accused Nos.1 and 3 conspired together and with the assistance of other accused, brought the petitioner from Kakinada to Hyderabad without there being any complaint and illegally confined him for about 12 days in Women Police Station, Hyderabad. During the said period, the petitioner was harassed by the police officials without providing food and water and he was also manhandled to accept the demand of accused Nos.1 and 2. It is also stated that accused Nos.3 to 6 at the instance of accused No.1 violated legal provisions and committed the aforesaid offences.

Heard learned Counsel for the revision petitioner; learned Additional Public Prosecutor appearing for the 1st respondent-State and Sri T.Balamohan Reddy, learned Counsel appearing for respondents 2 and 3. Though notice served on respondents

4, 6 and 7, they did not choose to appear either personally or through any Counsel. Notice sent to respondent No.5 returned un-served with an endorsement as 'refused', hence service is sufficient.

It has been submitted on behalf of the revision petitioner that the petitioner was illegally confined by the police officials at the instance of A-1 in the Women Police Station for about 13 days without providing food and water and he was also manhandled to accept the demand of accused Nos.1 and 2 and that the trial Court has not considered the said factual position and simply dismissed the protest petition. It is further submitted that if the case is not properly tried, the petitioner will not get justice and, therefore, a direction may be given to the trial Court to take the complaint filed by the revision petitioner on file and try the case in accordance with law.

Learned Additional Public Prosecutor opposed the revision.

Learned Counsel appearing for respondents 2 and 3/A1 and A2 submitted that after considering the entire material available on record, the trial Court dismissed the protest petition filed by the revision petitioner. There are no valid grounds to allow the protest petition since the police, after

conducting thorough investigation, filed the final report as 'Mistake of Fact'.

A perusal of the material on record would show that the wife of the revision petitioner lodged a written complaint dated 16.09.2014 with regard to harassment meted out by her in the hands of her husband and his family members. Basing on the said complaint, police registered a case in Crime No.288 of 2014, for the offences punishable under Sections 498-A, 406, 420 of I.P.C and Sections 4 and 6 of the dowry Prohibition Act. Accordingly, the petitioner was called on 21.09.2014. Since the disputes were not sorted out, the police conducted another counselling on 28.09.2014. The petitioner was brought only for counselling and he was not illegally detained at the instance of accused No.1. Along with the protest petition, the revision petitioner produced 23 documents to establish about his illegal custody. Each and every document filed by the revision petitioner has been duly considered by the learned Magistrate and after considering all aspects, the learned Magistrate dismissed the protest petition. The revision petitioner has not shown any ground, on the basis of which the order of the learned Magistrate may be interfered with. Hence, this Court is

of the view that there is no illegality or irregularity in the order passed by the learned Magistrate.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE G. SRI DEVI

30.09.2019
Gkv/Gsn.





