

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.12878 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in Crime No.36 of 2016 of Women Police Station, Warangal City.

The case of the prosecution is that the marriage of the second respondent with A-1 was solemnized on 12.12.2014 at Mahalakshmi Garden, Bollikunta Cross, Warangal. On demand of the accused, the parents of the second respondent gave cash of Rs.51 lakhs, 80 tulas of gold and Rs.5 lakhs towards 'Adapaduchu Katnam' apart from other articles worth Rs.5 lakhs. Thereafter, the accused looked after the second respondent happily for 20 days. Later, they harassed the second respondent both physically and mentally for additional dowry. It is further alleged that A-1 is having illicit intimacy with a woman at London. The accused demanded Rs.5 lakhs to send the second respondent to U.K. During the stay of A-1 in India from 18.12.2015 to 28.12.2015, all the accused harassed the second respondent both physically and mentally and beat her and thereafter, A-1 left London without informing the second respondent on 29.12.2015. After receipt of VISA, the second respondent went to London on 12.01.2016 and joined A-1. When the second respondent objected A-1 for his illicit intimacy with another lady, A-1 beat her. When she gave a report to Police at London, they warned A-1. The second respondent was sent to India on 17.02.2016 to bring additional dowry. It is further alleged that when the second respondent went to her in-laws

house on 17.02.2016, they abused her in filthy language. Basing on the complaint of the second respondent, police registered the case for the offences punishable under Sections 498-A, 323 and 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Learned counsel for the petitioner/A-4 submits that the petitioner has not committed any offence as alleged by the prosecution much less the offence with which she was charged. Further, the petitioner/A-4 is staying at U.K. It is submitted that the parents of the second respondent did not pay dowry or given gold and other household articles as alleged by the second respondent nor given any 'Adapaduchu Katnam' to the petitioner/A-4. After joining the marital life, the second respondent developed dislike towards her husband on the ground that he was not good looking and was not earning amounts as expected by her. A-1 was employed in London even before his marriage. The second respondent has shown dislike to stay at London along with her husband. He further submits that the second respondent filed DVC.No.8 of 2016 on the file of the I Additional Judicial Magistrate of First Class, Warangal, but on the advice of elders, the said DVC was withdrawn. He further submits that the second respondent filed FCOP.No.56 of 2017 seeking divorce on mutual consent and the same was decreed on 13.08.2017. He further submits that as per compromise, the second respondent received Rs.22 lakhs. He further submits that the second respondent married another person and blessed with a son and they are living at Hyderabad. He further submits that even if the allegations made in the complaint are taken to be as true and correct, no case is made out

against the petitioner/A-4 and hence, he prays to quash the proceedings.

Learned Additional Public Prosecutor submits that the allegations made in the complaint constitute the offences alleged to have been committed by the petitioner/A-4 and hence, there are no grounds to quash the proceedings.

The record *prima facie* reveals that the petitioner/A-4 is the daughter of A-2 and A-3 and sister of A-1. The record further reveals that the second respondent filed DVC.No.8 of 2016 before the I Additional Judicial Magistrate of First Class, Warangal, and the same was dismissed as not pressed, vide docket order, dated 26.08.2016. It is further evident from the record that A-1 and the second respondent filed FCOP.No.56 of 2017 on the file of the Judge, Family Court, Warangal, for dissolution of marriage under mutual consent and the same was allowed granting decree of divorce dissolving the marriage between A-1 and the second respondent held on 12.12.2014 under mutual consent. Further, it is not uncommon to rope the husband and in-laws in criminal cases more particularly in the cases registered under Section 498-A IPC.

In view of the above facts and circumstances, if the proceedings are allowed to continue, no purpose would be served. *Prima facie*, there are no grounds to proceed against the petitioner/A-4. Therefore, continuation of proceedings against the petitioner/A-4 is nothing but an abuse of process of law. Hence, the proceedings are liable to be quashed.

Accordingly, the Criminal Petition is allowed quashing the proceedings initiated against the petitioner/A-4 in Crime No.36 of 2016 of Women Police Station, Warangal City.

Miscellaneous applications, if any, pending shall stand closed.

(G. SRI DEVI, J)

26th November 2019
RRB

