

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

CRIMINAL PETITION NO: 2154 OF 2013

Between:

1. SHIVARATRI PUSHPA W/o Malsalah occ: Labour R/o Peddaramcharla Village, Janagam Mandal Warangal district
2. K.Siddamallalah, S/o Masalah occ; Coolie r/o Baddanagaram Village, Buchanapet Mandal Warangal District
3. I.Siddaiamma, W/o Mallaiah occ: Coolie Rajapet Village & Mandal Nalgonda District
4. I.Srinu, S/o Mallalah occ: Coolie R/o Rajapet Village and Mandal Nalgonda District
5. K.Swaamy, S/o Chainnamalaiah occ; Coolie r/o Baddanagaram Village, Buchanapet Mandal Warangal District
6. B.Sridhar, S/o Yadagiri occ; coolie R/o Kanchanapally Village Raghunathpally Mandal Warangal District
7. B.Susheela, W/o Yadagiri occ; Agriculture R/o Kanchanapally Village Raghunathpally Mandal Warangal District
8. B.Yadagiri, S/o Venkataiah occ; Agriculture R/o Kanchanapally Village Raghunathpally Mandal Warangal District
9. Shivaratri Thara, W/o Srinu occ: Coolie r/o Katha Village, Nangunoor Mandal Medak District
10. K.Chandraiah, S/o Maisalah occ; Coolie R/o Bandanagaram Village Buchanapet Mandal Warangal District
11. Shivaratri Malsalah, S/o Bixapathi occ: Coolie R/o Peddaramacharla Village Janagam Mandal Warangal District

.....PETITIONERS/A2-A12

AND

1. THE STATE OF AP. Rep by its Public Prosecutor High Court of AP., Hyderabad
2. K.Radha, W/o Srinu occ: House wife R/o Veldanda Village, Narmetta Mandal Warangal District

.....RESPONDENTS/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash all further proceedings in PRC No.34/2012 on the file of the court of the Judicial First Class Munsiff Magistrate at Jangaon, Warangal District

I.A. NO: 1 OF 2013(CRLPMP. NO: 1870 OF 2013) :-Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings including appearance of the petitioners in PRC No.34/2012 on the file of the court of the Judicial First Class Munsiff Magistrate at Jangaon, Warangal District pending disposal of the above Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P SHASHI KIRAN ,Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No. 1 and of None appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE P. SREE SUDHA

CRIMINAL PETITION No.2154 of 2013

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., to quash the proceedings in P.R.C.No.34 of 2012 pending on the file of the Judicial First Class Munsiff Magistrate at Jangaon, Warangal District. The petitioners herein are A2 to A12. The offences alleged against them are under Sections 498-A, 307, 494 read with Section 109 IPC and under Sections 3 and 4 of Dowry Prohibition Act.

2. On 19.03.2013, this Court, while issuing notice to respondent No.2, granted interim stay and the same is extended until further orders.

3. Though the matter underwent several adjournments, none appears for the petitioners. Even today, when the matter is taken up, learned counsel for the petitioners has not turned up. Heard learned Assistant Public Prosecutor and perused the record.

4. The brief facts of the case, as per the charge sheet, are that the marriage of de-facto complainant, respondent No.2 herein, was performed with A1 on 18.06.2005 at Veldanda Village, and they blessed with two children. Thereafter, A1 to A12 started harassing the de-facto complainant by demanding additional dowry of Rs.50,000/-. They also used to beat her. On 05.09.2011 at 1700 hours, A2 to A12 came to the house of de-facto complainant with an intention to perform another marriage to A1 and abetted A1 to kill her, due to which, A1 poured kerosene on her, lit fire and tried to

thrown on her, but she managed to escape and went to her parents' house. Again on 10.01.2012, A1 came to the house of the parents of de-facto complainant at Veldanda village and tried to kill her by pressing her neck for not bringing additional dowry, and A1 also threatened her that if she fails to bring additional dowry, he will perform another marriage. Later, A2 to A12 have performed the second marriage of A1 with A13 and that A14 and A15 supported the said marriage. Hence, she filed a complaint against A1 to A15 and the same was registered as Cr.No.20 of 2012 of Narmetta Police Station, for the offences under Sections 498-A, 307, 494 read with Section 109 IPC and under Sections 3 and 4 of Dowry Prohibition Act.

5. In the affidavit, it is stated that petitioner Nos.1 & 11-A2 and A12 are elder sister and brother-in-law of A1 and they are residents of Peddaramcherla Village, Jangaon Mandal, and they have no nexus with the alleged offences. Petitioner No.2-A3 is paternal uncle of A1 and he is no way connected with the day-to-day affairs of A1 and his family. Petitioner Nos.3 and 4-A4 and A5 are paternal mother-in-law of A1 and her son and they are residents of Nalgonda District and except that relation, there is no other nexus between them. Petitioner No.5-A6 is the son of the brother of grandfather of A1, Petitioner No.6-A7 is nephew of A1, petitioner Nos.7 and 8-A8 and A9 are the paternal mother-in-law and her husband of A1, petitioner No.9 is married sister of A1 and petitioner No.10 is father of A1, aged 62 years, and they are no way concerned with the day-to-day affairs of A1 and they have not committed any offences as

alleged by the prosecution. It is further stated that the present complaint is filed on 28.03.2012 with a delay of 2 months 18 days. It is also stated that the petitioners have been falsely implicated in the present crime with a *mala fide* intention under political pressure, which is nothing but an abuse of process of the Court. Thus, they prayed to quash the proceedings against them.

6. The main contention of petitioners is that they are only near and dear relatives of A1 and they have been falsely implicated in the present case and there is no material against them. But the present status of the case is not mentioned by the petitioners.

7. A perusal of the complaint and the charge sheet would show that there are specific allegations against the petitioners that they used to harass the de-facto complainant by demanding additional dowry of Rs.50,000/- and that on 05.09.2011 at 1700 ours, they went to the house of A1 and abetted A1 to kill her with an intention to perform another marriage to A1. It is also alleged that the petitioners have performed the second marriage to A1 with A13. The correctness or otherwise of the said allegations has to be decided by the trial Court only after conducting full-fledged trial. More so, interim stay was granted way back in 2013 and there is no representation for the petitioners. Therefore, I do not find any merit in the present criminal petition to quash the proceedings against the petitioners. However, the petitioners are at liberty to approach the trial Court for disposal of the matter at an early date.

8. In view of the above, the present criminal petition is devoid of merit. Accordingly, the Criminal Petition is dismissed.

9. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.

Sd/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Munsiff Magistrate at Jangaon, Warangal District
2. The Station House Officer, Narmetta Police Station Narmetta Warangal District
3. One CC to SRI P SHASHI KIRAN Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies
6. One Spare Copy

V. J.

HIGH COURT

DATED:18/10/2021

ORDER
CRLP.No.2154 of 2013



DISMISSING THE CRIMINAL PETITION

8 VW
29/10/21