

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 610 & 611 OF 2021

Between:

Aare Praneeth Kumar, S/o Naga Raju, aged about 14 years, occ. Student,
R/o Arlegudem village, Chilkur Mandal, Suryapet District. Rep.by Natural
Guardian Aare Nagaraju.

...PETITIONER/ACCUSED NO.4

AND

1. The State of Telangana, through S.H.O. Chilkur Police Station, Suryapet District, rep. by its Public Prosecutor, High Court, Hyderabad.
2. Aare Marnatha, w/o Nagaraju, Aged about 40 years, occ. Housewife, r/o Arlegudem Village, Chilkur Mandal, Suryapet 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 call for the records relating to the charge sheet in J.C.C.No.115 of 2020, on the file of the Juvenile Justice Board at Nalgonda, and quash the proceedings.

I.A. NO: 1 OF 2021

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 grant stay of all further proceedings including the appearance of the petitioner in J.C.C.No.115 of 2020 on the file of the Juvenile Justice Board at Nalgonda.

CRIMINAL PETITION NO. 611 OF 2021

Between:

1. Aare Nagaraju, S/o Chandraiah, aged about 40 years, Occ:ACTO
2. Aare lakshmi, W/o Chandraiah, aged about 65 years, Occ:household
3. Palla Navven Kumar, S/o Saida Babu, Aged 2 years, Occ:Software Engineer

(All are R/o Arlegudem Village, Chilkur Mandal, Suryapet District.)

...PETITIONERS/ACCUSED NO.1,2 & 3

AND

1. The State of Telangana, through S.H.O. Chilkur Police Station, Suryapet District, rep. by its Public Prosecutor, High Court, Hyderabad.
2. Aare Mamatha, w/o Nagaraju, Aged about 40 years, occ. Housewife, r/o Arlegudem Village, Chilkur Mandal, Suryapet 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 call for the records relating to the charge sheet in C.C.No.1946 of 2020, on the file of the Judicial First Class Magistrate at Kodad and quash the proceedings.

I.A. NO: 1 OF 2021

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 grant stay of all further proceedings including the appearance of the petitioner in C.C.No.1946 of 2020, on the file of the Judicial First Class Magistrate at Kodad.

These Petitions coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri CHANDRA SEKHAR GANAPURAMU, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1 and of Sri P.Lakhsma Reddy, Advocate for the Respondent No.2

The Court made the following COMMON ORDER

HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.610 and 611 OF 2021

COMMON ORDER:

1. Criminal Petition No.610 of 2021 is filed to quash the proceedings against the petitioner/A4 in J.C.C.No.115 of 2020 on the file of the Juvenile Justice Board at Nalgonda.
2. Criminal Petition No.611 of 2021 is filed seeking to quash the proceedings against the petitioners/A1 to A3 in CC No.1946 of 2020 on the file of the Judicial First Class Magistrate at Kodad for the offences punishable under Sections 498-A, 354, 435, 506 r/w 109 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.
3. Since both the charge sheets arise out of the same incident, both the petitions are heard together and disposed off by way of this Common Order.
4. The case of the 2nd respondent is that she was married to the 1st petitioner in Criminal Petition No.611 of 2021, seventeen years prior to the complaint and at the time of marriage, dowry was also given. They led normal marital life

for 12 years. One son and one daughter were born. After her husband got government job as School Assistant, he developed illegal intimacy with other woman. The 2nd respondent/complainant was also harassed by her husband and her mother-in-law (A1 & A2 in C.C.No.1946 of 2020) for additional dowry and she was sent out of the house. Thereafter, the husband got job as ACTO. However, both the husband and mother-in-law did not mend their ways and continued to harass the 2nd respondent.

5. On 12.07.2020 at about 8.00 a.m, the 3rd petitioner in Criminal Petition No.611 of 2021 who is related to the 1st petitioner came to their house. When provoked by A1, the mother-in-law/A2 and A3, and the son of the 2nd respondent, who is A4/petitioner in Criminal Petition No.610 of 2021, quarreled with her and dragged her out of the house. Both A3 and his son burnt her sarees and both threatened to kill her. Though panchayat was held in the presence of elders, none of the petitioners/accused did mend their ways, for which reason, complaint was filed.

6. On the basis of the said complaint, 3rd petitioner in Criminal Petition No.611 of 2021 and son of the 2nd respondent in Criminal Petition No.610 of 2021 i.e. petitioner/A4 were added as accused.

7. Learned counsel for the petitioner submits that the 2nd respondent having deserted her husband and son, left to her parents house by taking her daughter. After several attempts were made to get back the 2nd respondent, she joined them but started harassing her husband and mother-in-law. 2nd respondent on her own left the house and lodged a false complaint. Only omnibus allegations are made and there are no overt acts that are attributed to any of the petitioners, as such, the complaint, which is filed with a mala fide intention bearing grudge against her husband, proceedings have to be quashed.

8. On the other hand, learned counsel for the 2nd respondent would submit that there are specific allegations which are leveled against all the petitioners. In fact, there is no reason why the son would be implicated by his mother unless



he had acted in the manner which the 2nd respondent has narrated. In the said circumstances, all the allegations have to be decided after trial and the grounds raised by the petitioners cannot be considered.

9. Having perused the record, the alleged incident happened on 12.07.2020 when an altercation between the 2nd respondent and family members lead to the present complaint being filed on 13.07.2020. Even according to the 2nd respondent, her husband A1 was responsible for the said incident. The allegation against the 2nd respondent's son (petitioner in CrI.P.No.610 of 2021) and the relative/3rd petitioner in Criminal Petition No.611 of 2021 is that they have burnt sarees and asked her not to return to the house, failing which, she would be killed. Even though, it is stated by the 2nd respondent in her complaint that her sarees were burnt, no specific details are given regarding the incident and there is no narration as to how the incident occurred. No doubt, the mother would not be complaining against her own son. However, in the present facts of there being a strained

relationship between the 2nd respondent and her husband, to see to that her husband concedes to her demands and to show dominance to put pressure on the husband, the son aged around 14 years and relative aged around 22 years were implicated.

10. For the said reasons of the complaint being result of matrimonial dispute between the 2nd respondent and her husband, I find that proceedings against the petitioners who are son and relative have to be quashed, as they were falsely implicated. However, as far as the husband and mother-in-law are concerned, there are specific allegations about harassing the 2nd respondent in her matrimonial life, both physically and mentally and also demanded additional dowry. These aspects have to be ascertained during the course of trial, for which reason, the petition filed by the husband and mother-in-law, who are A1 and A2 respectively in Crl.P.No.611 of 2021 is liable to be dismissed.

11. In the result, the proceedings against petitioner/A4 in JCC No.115 of 2020 on the file of Juvenile Justice Board,

Nalgonda are hereby set aside and accordingly, the Criminal Petition No.610 of 2021 is allowed.

12. The proceedings against 3rd petitioner/A3 in CC No.1946 of 2020 on the file of the Judicial First Class Magistrate at Kodad, are hereby quashed. Accordingly, Criminal Petition No.611 of 2021 is disposed off. As a sequel thereto, miscellaneous applications, if any pending shall stand closed.

SD/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To,

1. The Court of the Juvenile Justice Board at Nalgonda.
2. The Court of Judicial First Class Magistrate at Kodad.
3. The Station House Officer, Chilkur Police Station, Suryapet District.
4. The Additional Judicial First Class Magistrate Court at Kodad.
5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
6. One CC to SRI. CHANDRA SEKHAR GANAPURAMU. ADVOCATE [OPUC]
7. One CC to SRI P. LAKSHMA REDDY, ADVOCATE [OPUC]
8. Two CD Copies

pcsd

HIGH COURT

KS, J

DATED:30/12/2022

COMMON ORDER

CRLP.Nos.610 and 611 of 2021



ALLOWING THE CRLP.NO.610 OF 2021

AND

DISPOSING OF THE CRL.P.NO.611 OF 2021

⑪
21/1/23