

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 2002 OF 2019

O R D E R:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to quash the charge sheet against the petitioners in C.C.No.56 of 2019 on the file of Additional Judicial First Class Magistrate, Shadnagar, Ranga Reddy District. The petitioners herein are the accused Nos.2 to 5 and the offences alleged against them are under Sections 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the petitioners, and learned Additional Public Prosecutor, for respondent State and perused the record.

3. The petitioners 1 to 3/A2 to A4 are sisters-in-law of the defacto complainant/2nd respondent; and the 4th petitioner/A5 is the husband of the 2nd petitioner/A3.

4. The defacto complainant/2nd respondent filed a complaint on 25.03.2017 alleging that her marriage with A1 has taken place on 19.10.2010 as per their customs and at the time of marriage, Rs.2 lakhs cash and 15 tuals of gold was given by her parents.

Thereafter, Accused No.1 mortgaged the gold given to her and also demanded additional dowry for the reason of his incurring 30 lakhs debt. In the complaint it is further alleged that these petitioners were instigating Accused No.1 to harass the defacto complainant.

5. Having registered the crime, the Police investigated the case and during the course of investigation when defacto complainant was examined apart from the allegations made in the complaint, she also stated that she lived separately immediately after few days of the marriage along with her husband in the area of Jubilee Hills in an apartment. For the said reason of having debts to clear, her gold was also taken. She further stated that since A1 lost his money in the share market, he was demanding additional dowry from her and also harassing her mentally and physically; and that Accused No.1 was abusing her in filthy language. She also made allegations of beating.

6. Learned Counsel for petitioners submits that the allegations that are leveled against these petitioners are vague and omnibus. The petitioners are already married by the time the 2nd respondent married Accused No.1 and they were living separately; and that

they have nothing to do with the marital life of A1 and 2nd respondent.

7. He relied upon the following Judgments rendered by the Honourable Supreme Court in

- i) ***Bhaskar Lal Sharma and another v. Monica dt.27.07.2009 in Criminal Appeal arising out of Special Leave Petition (Crl.) Nos.4125-4126 of 2008.***
- ii) ***Mirza Iqbal @ golu vs. The State of Uttar Pradesh, dt.14.12.2021 in Criminal Appeal No.1628 of 2021 (arising out of SLP.(Crl.) No.2786 of 2019).***
- iii) ***Rajesh Sharma vs. The State of Uttar Pradesh, dt.27.07.2017 in Crl.A.No.1265/2017 (arising out of Spl.Leave Petition (Crl.) No.2013 of 2017).***
- iv) ***Kahkashan Kausar @ Sonam v. The State of Bihar, dt.08.02.2022 in Crl.A.No.195 of 2022 (arising out of SLP (Crl.) No.6545 of 2020)***

and argued that the High Court under Section 482 of the Cr.P.C. can intervene and quash proceedings against the relatives against whom allegations are general in nature.

8. In the present complaint, even according to the 2nd respondent/defacto complainant, she lived separately along with Accused No.1 in a flat at Jubilee Hills area. All the allegations of beating and demand of additional dowry are made against Accused No.1. However, she alleges that these petitioners were instigating Accused No.1 to demand additional dowry. Admittedly, there are no instances when these petitioners have abused the 2nd respondent/defacto complainant in any manner either physically or orally. Only for the reason of allegation of instigating A1, which apparently is an assumption by the 2nd respondent/defacto complainant, the proceedings against these petitioners cannot be continued.

9. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners/A2 to A5 in C.C.No.56 of 2019 on the file of Additional Judicial First Class Magistrate, Shadnagar, Ranga Reddy District, are hereby quashed.

As a sequel thereto, miscellaneous applications pending, if any, in this criminal petition, shall stand closed.

02.11.2022
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K.SURENDER, J

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Dt.02.11.2022

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