

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 8416 OF 2022

Between:

1. SILAM ANIL KUMAR, S/o. Late. Silam Shankar Baba, aged about 50 years, Occ- Govt. Employee (Forest Department) R/o. H.No. 13-3-166, Bheemnagar, Jiyaguda, Asifnagar, Hyderabad.

....Petitioner/ A1

2. SILAM GEETA DEVI, W/o. Silam Anil Kumar, aged about 48 years, Occ- Pvt. Employee, R/o. H.No. 13-3-166, Bheemnagar, Jiyaguda, Asifnagar, Hyderabad.

....Petitioner/ A2

3. SIRUGUMALLA PADMAVATHI, W/o. Late S. Vasulu @ Late. Sirugumalla Srinivasulu, Aged about 66 years, Occ- Housewife, R/o. H.No. 9-7-173, Opp- Shilpi Homes, Maruthinagar, Champapet, Santoshnagar, Hyderabad 500 079, T.S

...PETITIONER /A3

AND

1. THE STATE OF TELANGANA, Through Inspector of Police, Women PS, Charminar, Hyderabad City Rep. by its Public Prosecutor, High Court of Telangana at Hyderabad

.....Respondent

2. SIRUGUMALLA VEENA, W/o. S. Rameshwar Rao, aged about 40 years, Occ- House Wife, R/o. H.No. 9-7-424, East Maruthinaga Champapet, Santoshnagar, Hyderabad, T.S. 500 079

...RESPONDENT/DEFACTO 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 the proceedings in C.C.No.6200 of 2022, dt.01/08/2022 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad in FIR No.152 of 2022, dt.15/06/2022, of Women PS, Charminar, Hyderabad.

I.A. NO: 1 OF 2022

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 of all further proceedings including dispense with the presence of

Petitioner No.1 to 3 in C.C.No.6200 of 2022, dt.01.08.2022 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad in FIR No. 152 of 2022, dt. 15.06.2022, of Women PS, Charminar, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Smt AVULA KRISHNAVENI, Advocate for the Petitioners and the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None Appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

Crl.P.No.8416 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners/A-1 to A-3 to quash the proceedings against them in C.C.No.6200 of 2022, on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad in FIR No.152 of 2022 of Women Police Station, Charminar, Hyderabad registered for the offences punishable under Sections 498A, 506 of the Indian Penal Code, 1860 (for short "IPC").

2. Heard learned counsel for the petitioners/A-1 to A-3 and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. Briefly, the facts of the case are that 2nd respondent was married to S.Rameshwar Rao (not accused in this case), who is the son of 3rd petitioner and brother of 2nd petitioner. The marriage took place in the year 2001 and thereafter, according to the 2nd respondent, she was harassed for additional dowry. Her

husband is suffering from heart problem. Accused No.3 is habituated to drinking alcohol and used to abuse her and her husband in vulgar language. Second petitioner, who is the sister-in-law, and her husband/A-1 were the mastermind in harassing the 2nd respondent and her husband. The house property of the family was given on rent and an amount of Rs.15,000/- towards rent was taken by the 3rd petitioner mother-in-law, by keeping Rs.2,000/- and remaining amount Rs.13,000/- was being given to the 2nd petitioner. Unable to bear the harassment of the petitioners, the 2nd respondent and her husband were living separately.

4. On the basis of the said allegations, the police registered a case for the offences punishable under Sections 498-A, 506 IPC and also filed charge sheet for the said offences.

5. Learned counsel appearing for the petitioners would submit that a false complaint is filed by the 2nd respondent at the instance of her husband due to family property disputes. Since the 2nd petitioner, who is sister-in-law of 2nd respondent, asked her share in the property and also filed a suit for partition, a false

complaint is filed by 2nd respondent to coerce 2nd and 3rd petitioners (mother-in-law and sister-in-law) to withdraw the civil suit filed for partition. Since none of the allegations leveled against the petitioners in the complaint make out the offences punishable under Sections 498-A of IPC and also for the reason of pending civil dispute regarding property, the proceedings have to be quashed.

6. On the other hand, leaned Public Prosecutor, submits that the allegations appear to be probable and it is for the trial Court to decide whether the petitioners are liable or not, and accordingly, prayed to dismiss the petition.

7. Undisputedly, the husband of 2nd respondent is not made as accused and in the entire complaint, there is no grievance against her husband. The background of the case is that on 29.04.2022, the 2nd and 3rd petitioners filed O.S.No.331 of 2022 against the husband of the 2nd respondent and another brother S.Jagan Mohan Rao, claiming 1/4th share each from the property of the deceased/husband of 3rd petitioner namely S.Vasulu. At this juncture, it is also relevant to note that both the brothers,

who were defendants in the suit filed by petitioner Nos.2 and 3 herein filed caveat petition on 18.04.2022 making these petitioners 2 and 3 as respondent Nos.1 and 2. After the case was instituted on 15.06.2022, the 2nd respondent filed the present criminal complaint alleging harassment. In the said complaint, it is vaguely mentioned that these petitioners were harassing the 2nd respondent for additional dowry. The version itself seems to be highly improbable in the background of civil disputes pending amongst the family members and there is no demand from the husband. As seen from the cause title in the civil suit, the 2nd respondent is living in Kurmaguda along with her husband S. Rameshwar Rao, the other brother S. Jagan Mohan Rao, is resident of Champapet, Santosh Nagar, Hyderabad. The mother Smt.Padmavathi 3rd petitioner, is living separately in the Champapet area, and the 1st and 2nd petitioners are residents of Puranapool, Hyderabad. When the 1st and 2nd petitioners were already married and living separately since the marriage of 2nd respondent and her husband, the allegation of harassment is apparently made only for the purpose of settling family disputes

regarding the property of late S. Vasulu, who is the husband of 3rd petitioner.

8. The allegations made in the complaint being vague without there being any specific instances of alleged demand of dowry and when everyone was living on their own separately, the version given by the 2nd respondent cannot be believed. The Hon'ble Apex Court in "**STATE OF HARYANA v. BHAJANLAL**"¹ held that when a criminal proceeding is maliciously instituted with an ulterior motive, proceedings can be quashed.

9. For the above said reasons, the petitioners succeed, and, accordingly, the criminal petition is allowed.

Miscellaneous applications pending, if any, shall stand closed.

¹ (1992) Supp. (1) SCC 335

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Sd/-P.GOWRI SHANKAR
ASSISTANT REGISTRAR

SECTION OFFICER

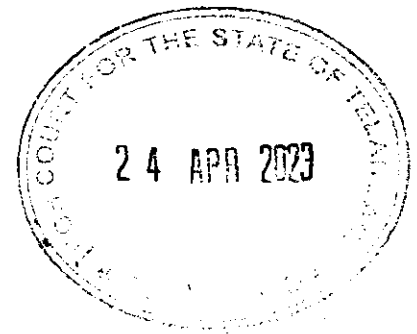
To

1. The XV Additional Chief Metropolitan Magistrate, at Hyderabad.
2. The Station House Officer, Women Police Station, Charminar, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Smt Avula Krishnaveni, Advocate [OPUC]
5. Two CD Copies

Kj.

HIGH COURT

DATED:21/03/2023



ORDER

CRLP.No.8416 of 2022

ALLOWING THE CRL.P.

⑧ VLV
20/4/23