

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.8861 of 2018

ORDER:

1. Heard Sri C.Sharan Reddy, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing Respondent No.2-State. Though Sri R.Anurag, learned counsel is on record representing Respondent No.1, learned counsel failed to make his submissions.

2. This Criminal Petition, under Section 482 Cr.P.C., is filed seeking the Court to quash the proceedings that are pending against the petitioners who are arrayed as Accused Nos.4 to 13 & 15 in C.C.No.286 of 2018 that is pending on the file of the Court of Judicial Magistrate of First Class, Medak.

3. The case of the prosecution as could be perceived through the contents of the charge sheet, if narrated in a narrower compass, is that the marriage of Accused No.1 was performed with LW2-Kavitha in the year 2014. They were blessed with one female child. Later, the father of LW2-Kavitha expired. Subsequently, Accused Nos.1 to 3 and the petitioner Nos.1 to 6, who are arrayed as Accused Nos.4 to 9,

started harassing LW2-Kavitha physically and mentally demanding additional dowry. Therefore, LW2-Kavitha started staying at her parent's house along with her daughter. While so, on 14.06.2017, Accused No.1 married one minor girl in the presence of petitioner Nos.1 to 10 and the marriage was performed by Petitioner No.11.

4. Making his submission, learned counsel for the petitioners contend that the petitioners have not committed any offences, whatsoever, but police laid charge sheet contending that they committed offences punishable under the provisions of IPC and also Prohibition of Child Marriage Act 2006 and thus, they are before this Court seeking for quash of proceedings.

5. On the other hand, the learned Additional Public Prosecutor states that the sisters and brothers-in-law of Accused No.1 demanded additional dowry and later, they got performed the marriage of Accused No.1 with a minor girl. Learned Additional Public Prosecutor, during the course of his submissions, referred to the contents of the statement given by CDPO, ICDS, Project Director by name Smt.N.Swaroop. In her statement, the said officer narrated that LW2-Kavitha

approached her and informed her that her husband contacted another marriage and married a minor girl and handed over the photos and video clippings to that effect and on that, she got conducted an enquiry and came to know that the allegations are true. So far as the allegation that is levelled against the petitioner Nos.1 to 6 that they committed offences punishable under Sections 498-A and 494 IPC are concerned, there are no specific instances narrated anywhere about the demand of additional dowry by these petitioners and harassment for getting the same. Further, Section 494 IPC does not attract so far as these petitioners are concerned. Therefore, this Court is of the view that the proceedings to that extent are liable to be quashed. However, for the offence punishable under Section 10 of Prohibition of Child Marriage Act, 2006 is concerned, as *prima facie* material is found against all the petitioners, proceedings should go on before the trial Court. In case the prosecution fails to establish the guilt of the petitioners beyond all reasonable doubt for the said offence, the trial Court would take appropriate steps in that regard. Thus, the Criminal Petition is liable to be allowed in part.

6. Resultantly, the Criminal Petition is allowed in-part. The proceedings in C.C.No.286 of 2018 that are pending against petitioner Nos.1 to 6 who are arrayed as Accused Nos.4 to 9 before the Court of Judicial Magistrate of First Class, Medak, so far as the offences punishable under Sections 498-A and 494 IPC, stands quashed.

7. Miscellaneous petitions, if any pending, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:13.02.2023
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