

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION No.10512 OF 2022

ORDER:

1. This Criminal Petition is filed to quash the proceedings against the petitioner/Accused in C.C.No.526 of 2022 on the file of II Additional Junior Civil Judge at Kodad.

2. The 2nd respondent/wife of petitioner/A1 herein filed a complaint stating that her marriage with the A1 was performed on 14.07.2017. At the time of marriage, Rs.20.00 lakhs cash, 20 tulas gold and other articles were also given. On 13.08.2017, both of them went to Zambia from Hyderabad and since her brother-in-law died, she came back to Hyderabad on 25.08.2017. Again they went back to Zambia and started living there. The 2nd respondent was harassed for additional dowry of Rs.20.00 lakhs. Though she was pregnant on 21.02.2018, she was sent back to Hyderabad. On 21.06.2018, the 2nd respondent delivered a male child and after delivery, husband and husband's relatives harassed her physically and mentally for additional dowry. Though several attempts were made to communicate with A1/petitioner, there was no reply. For

the said reason, complaint was filed after futile attempts to settle the issues with elders.

3. The police filed charge sheet after investigation against this petitioner/husband/A1 and 7 other relatives for the offences under Sections 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

4. Learned counsel appearing for the petitioner would submit that no criminal offence is made out even according to the complaint. All the allegations of harassment are at Zambia and except making bald allegations that she was harassed, there are no other instances that are narrated to infer any kind of harassment by the husband. Admittedly, the petitioner/A1 was living in Zambia most of the time and after she had come back from Zambia, she started living with her parents after birth of the child.

5. On the other hand, it was argued on behalf of the 2nd respondent that there are specific allegations for demand of additional dowry of Rs.20.00 lakhs, for which reason, the proceedings should go on. Learned counsel for the 2nd respondent relied upon the judgments in the case of i) Hajera Hajira Fatima v.

State of Telangana (2021 LawSuit(TS) 192; ii) Kuranma Anand Prakash v. State of Telangana (2021(1) ALD (CrI.) 80 (TS).

6. It is the specific allegation that she was subjected to harassment by the petitioner/husband/A1 at Zambia also for additional dowry. Though omnibus allegations are made against Accused Nos.2 to 7, as far as this petitioner is concerned, who is the husband, narration of the 2nd respondent that she was harassed at Zambia for additional dowry cannot be ignored. Section 498-A of IPC is continuing offence. Even according to the 2nd respondent, the respondent had sent her from Zambia for delivery and thereafter, she was not taken back for the reason of not fulfilling the demand of additional dowry that was demanded according to the 2nd respondent. In the said circumstances, there are no grounds to quash the proceedings against the petitioner.

7. Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, shall stand dismissed.

K.SURENDER, J

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kvs

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