

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11417 OF 2022

ORDER:

1. This Criminal Petition is filed to quash the proceedings against the petitioners/A2 to A4 in C.C.No.1033 of 2020 on the file of XXII Additional Metropolitan Magistrate, Cyberabad.
2. Heard learned counsel for the petitioner and Sri S.Sudershan, learned Additional Public Prosecutor for 1st respondent.
3. The 2nd respondent filed a complaint stating that she was married to A1 and at the time of marriage, Rs.20.00 lakhs dowry was given. The 2nd respondent led happy marital life with A1 only for 15 days and thereafter, A1 started beating her by coming home drunk. The mother-in-law/1st petitioner also abused her and when the husband/A1 was beating the 2nd respondent, the mother-in-law stated that the 2nd respondent should be beaten and taught a lesson. The 2nd petitioner/A3/sister-in-law and her husband/A4 also instigated A1 to beat her. Even though, panchayats were held ten times, neither the husband nor the petitioners herein have changed their attitude. On 28.11.2020 at about 23.00 hours in the night, A1 caught hold of her hair and dragged her into bath room and beat her on her hands and chest and all over the body.

Immediately, the 2nd respondent made a call to her parents, who came there and took her. For the said reason, complaint was lodged stating that A1 and these petitioners were harassing her. The Police, Pedbasheerabad, registered the crime and filed charge sheet for the offences under Sections 498-A, 323 r/w 34 of IPC.

4. The only allegation against A1 is that he was beating the 2nd respondent and these petitioners were instigating A1 to beat her. Admittedly, the 2nd petitioner/A3 was already married by the time of marriage of A1 with the 2nd respondent. Both 2nd petitioner/A3 and 3rd petitioner/A4 were living separately, as such, it cannot be said that in each and every issue that arose in the household of A1, these petitioners would be responsible and instigate A1 to beat her. Since the allegation is not for any demand for additional dowry or any other demand, but for constantly beating by A1. The police found that offence of Section 323 of IPC was made out against A1.

5. In **Kahkashan Kausar @ Sonam and others v. State of Bihar**¹, the Hon'ble Supreme Court held that unless there are specific and distinct allegations against the accused, the proceedings can be quashed. Under Section 482 of Cr.P.C, the

¹ (2022) 6 Supreme Court Cases 599

Court should be careful in proceeding against relatives who are roped in on the basis of vague and omnibus allegations.

6. The Hon'ble Supreme Court in the case of **Preeti Gupta v. State of Jharkhand**² held that the Courts have to scrutinize the allegations made with great care and circumspection, especially against husband's relatives who were living in different cities and rarely have visited or stayed with the couple.

7. As already stated, the only grievance of the 2nd respondent is that she was beaten by A1. However, the complaint never stated that these petitioners had at any point of time assaulted her physically. In the said circumstances, the proceedings against these petitioners can be quashed for the reason of there being vague allegation of instigation.

8. In the result, the proceedings against petitioners/A2 to A4 in C.C.No.1033 of 2020 on the file of XXII Additional Metropolitan Magistrate, Cyberabad, are hereby quashed.

² (2010) 7 Supreme Court Cases 667

9. Accordingly, the Criminal Petition is allowed. Consequently, miscellaneous applications pending, if any, shall stand disposed.

Date: 16.02.2023
kvs

K.SURENDER, J

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