

KAVN040014012022



**IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C.,
VIJAYANAGARA DISTRICT, HOSAPETE**

PRESENT: SRI PRASHANTH NAGALAPUR,
B.B.A., LL.B., (Hons).,
Prl. Civil Judge and JMFC.,
Vijayanagara District, Hosapete.

**Dated 7th day of March, 2026
C.C.No.900/2022**

COMPLAINANT :

State by A.S.I., Town Police Station, Hosapete
(By Assistant Public Prosecutor)

- V e r s u s -

ACCUSED :

1. Munir Basha son of Mahamad, Aged 26 years,
2. Mahamad Sab P son of Fakruddin Sab, Aged 50 years,
3. Shaheen wife of Mahamad Sab, Aged 46 years,
4. Maapeera son of Fakruddin, Aged 34 years,
5. Shanu wife of Shaik Mabu Peera, Aged 32 years,
6. Zakeer P son of Mahamad, Aged 27 years,
All are R/o near Sub Registrar Office, 2nd Ward, Kanekallu, Anantapur, Andhra Pradesh.

(By Sri.K.Yusuf, Advocate)

:: J U D G M E N T ::

The Assistant Sub Inspector, Town Police Station, Hosapete has filed charge sheet against the accused for the offences punishable under Section 498(A), 504 & 323 read with Section 34 of IPC.

2. Brief facts of case of the prosecution are that :-

The marriage of the first informant Syed Khatun Bee @ Mubeena and the accused No.1 Munir Basha was solemnized on 20.07.2017 at Thaiba Shadi Hall, behind City Hospital, Hosapete as per the rites and customs prevailing in their community and in the presence of elders and well wishers. The accused No.1, being the husband of the CW 1 Smt.Syed Khatun Bee and the accused No.2 to 6 being the father in law, mother in law, uncle, aunt and brother in law of the CW 1, subjected her to mental and physical cruelty complaining that she does not to do household chores and alleging that she is not the right wife for accused No.1 between the period from 20.08.2017 till return of the CW 1 to Hosapete and within house of accused at Kanekallu, Anantapur District, Andhra Pradesh and on 14.11.2021 at Hosapete Town. Further that on 14.11.2021 the accused No.1 to 6 in

furtherance of common intention have picked up quarrel with CW 1 at her parents house and intentionally insulted her by using filthy words and thereby giving provocation to her intending or knowing it to be such provocation will cause to her to break the public peace or commit any offence. Further all accused have assaulted the CW 1 with hands on her body and caused simple injuries. The first informant gave her first information statement to the Hosapete Town police on 22.11.2021 at 11.00 a.m.. The Town police registered the case in Cr.No.141/2021 for the offences punishable U/Sec. 498(A), 504 & 323 read with Section 34 of I.P.C. against the accused.

3. After completion of the investigation the Assistant Sub Inspector, Town Police Station, Hosapete submitted the charge sheet stating that the accused have committed the offences punishable under Section 498(A), 504 & 323 read with Section 34 of IPC. This Court took cognizance of the said offences and issued summons to the accused.

4. After service of the summons the accused appeared through their counsel and they were enlarged. The copy of charge sheet was supplied to the accused as per Sec.207 of Code of Criminal Procedure

5. After hearing the APP and the counsel for accused, the Court was proceed to frame charges against the accused for the offences punishable under Section 498(A), 504 and 323 read with Section 34 of IPC. The accused pleaded not guilty and they claimed to be tried for the said offences. Therefore, matter was posted for prosecution evidence.

6. In order to prove the charges alleged against the accused the prosecution got examined witnesses as PW.1 to 14. The documents were marked as Ex.P.1 to 15 through the prosecution witnesses.

7. The accused were examined under Section 313 of Code of Criminal Procedure. The accused denied the incriminating circumstances arising in the evidence of prosecution. The accused not adduced any defence evidence.

8. The points arise for my consideration:-

- 1) **Whether the prosecution proves beyond all reasonable doubts that accused No.1, being the husband of the CW 1 Smt.Syed Khatun Bee and the accused No.2 to 6 being the father in law, mother in law, uncle, aunt and brother in law of the CW 1, subjected**

her to mental and physical cruelty complaining that she does not to do household chores and alleging that she is not the right wife for accused No.1 between the period from 20.08.2017 till return of the CW 1 to Hosapete and within house of accused at Kanekallu, Anantapur District, Andhra Pradesh and on 14.11.2021 at Hosapete Town and thereby committed the offence punishable U/s 498A of IPC ?

- 2) Whether the prosecution proves beyond all reasonable doubts that on 14.11.2021 the accused No.1 to 6 in furtherance of common intention have picked up quarrel with CW 1 at her parents house and intentionally insulted her by using filthy words and thereby giving provocation to her intending or knowing it to be such provocation will cause to her to break the public peace or commit any offence and thereby committed an offence punishable under Section 504 read with 34 of Indian Penal Code ?**
- 3) Whether the prosecution proves beyond all reasonable doubts that on the above said dates, time and place, all accused have assaulted the CW 1 with hands on her body and caused simple injuries and thereby committed offence punishable under Section 506 read with 34 of IPC?**
- 4) What Order?**

9. My findings on the above said points are:-

Point No. 1 to 3 : In the negative,
Point No.4 : As per final order
for the following:-

:: R E A S O N S ::

10. **POINT No.1 to 3** :- These points are taken together for discussion for the sake of convenience, since they are interrelated to each other.

11. The case of the prosecution is that the marriage of the first informant Syed Khatun Bee @ Mubeena and the accused No.1 Munir Basha was solemnized on 20.07.2017 at Thaiba Shadi Hall, behind City Hospital, Hosapete as per the rites and customs prevailing in their community and in the presence of elders and well wishers. The accused No.1, being the husband of the CW 1 Smt.Syed Khatun Bee and the accused No.2 to 6 being the father in law, mother in law, uncle, aunt and brother in law of the CW 1, subjected her to mental and physical cruelty complaining that she does not to do household chores and alleging that she is not the right wife for accused No.1 between the period from 20.08.2017 till return of the CW 1 to Hosapete and within house of accused at

Kanekallu, Anantapur District, Andhra Pradesh and on 14.11.2021 at Hosapete Town. Further that on 14.11.2021 the accused No.1 to 6 in furtherance of common intention have picked up quarrel with CW 1 at her parents house and intentionally insulted her by using filthy words and thereby giving provocation to her intending or knowing it to be such provocation will cause to her to break the public peace or commit any offence. Further all accused have assaulted the CW 1 with hands on her body and caused simple injuries. The prosecution has alleged the at the accused have committed the offences punishable under Section 498A, 323 and 504 read with Section 34 of I.P.C. The burden is on the prosecution to prove the allegations beyond all reasonable doubts.

12. The accused No.1 has not disputed his relationship with the first informant as per the material available on the record. The prosecution need not prove the fact that the first informant herein is the wife of the accused No.1. In view of the admission, I am of the firm opinion that the accused No.1 is the husband of the first informant and the accused No.2 to 6 are the relatives of the accused No.1. Whether the accused No.1, being the husband of the first informant

and accused No.2 to 6 being the relatives of accused No.1 have caused cruelty which attracts Section 498A of Indian Penal Code is the question to be determined.

13. Section 498A of Indian Penal Code reads as under :-

Section 498A. Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty means"—

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

14. The first informant herein has not complained of any demands made by the accused for any property or valuable security. Therefore, the explanation (b) is not applicable to the case on hand.
15. Whether the prosecution is able to prove that there has been willful conduct of the accused No.1 to 6 which drove the first informant to commit suicide or to cause grave injury to the life or limb of the first informant is the question to be determined. In the present case, the first informant has complained of physical hurt by the accused No.1 to 6 for the reason that the first informant did not know how to cook and do the household chores, which is the root cause of the alleged cruelty. The first informant has specifically alleged that the accused No.1 has abused her in filthy language and assaulted her with his hands after the marriage till she became pregnant and also after giving birth to her two children. The contents of Ex.P.1 disclose acts allegedly committed by the accused.
16. The first informant/PW 1 has deposed that the accused No.1 to 3 have always complained of lack of skill of first informant in cooking. She has further

deposed that the accused No.2 and 3 instigated accused No.1 to assault her physically. She has also deposed that the accused No.1 to 6 have abused her in filthy language. She has further deposed that she was in her parents house when the incident took place. She has alleged that the accused No.1 tried to take away the children from her custody and therefore, she had to lodge the complaint in the present case.

17. The provisions of law mandate conduct of the accused No.1 which drives the women to commit suicide. No such incident has taken place in the present case. There is no material placed on record to believe that the conduct of the accused No.1 was of the nature that it drove the first informant to commit suicide any point of time when they lived together. The provision also mandates willful conduct of the accused No.1 to 6 which is of nature as is likely to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. In the present case, there is no evidence of injury or danger to the life, limb or mental/physical health of the first informant either after the marriage or on 14.11.2021. Therefore, the allegations made by the prosecution that after few days of the marriage the accused No.1 started

harassing the first informant till she returned to Hosapete cannot be held proved merely on the statement of the first informant.

18. Whether the incident dated 14.11.2021 qualifies to fall within the explanation (a) of the Section 498A of Indian Penal Code is the question to be determined. In the present case, the first informant has stated in the Ex.P.1 that there was panchayath at the police station and the accused No.1 came to pick first informant and children up to take them with him. She has further stated that there was quarrel between her and the accused No.1 regarding custody of the children and the accused No.1 tried to take away the children. These allegations do not prima facie constitute any offence in my opinion. Whether conduct of the accused No.1, which is outcome of marital dispute between him and first informant, can be termed as cruelty is the question that arises. At no stretch of imagination, such an interpretation can be given to the incident dated 14.11.2021.

19. As per the case of the prosecution, the father of the PW 1 i.e., CW 6/PW 4 has knowledge about the acts committed by the accused. The PW 4 has

deposed that the accused have committed cruelty against his daughter. He has also deposed that the accused No.1 had demanded custody of the children. In the cross examination by the counsel for accused, the PW 4 has admitted that there have been panchayaths regarding disputes between first informant and the accused No.1. The oral evidence of PW 4 also indicates that there was disputes between the parties in relation to custody of the children. The evidence of mother of PW 1 i.e. PW 5 is also in par with the evidence of PW 4. Her evidence also discloses that the first informant and accused No.1 have got marital disputes and custody issues. Therefore, the version of the prosecution that the accused have committed the offences on 14.11.2021 at Hosapete cannot be held proved in my opinion.

20. The witnesses CW 8 to 12 are from Kanekal Mandalam of Anantapur District. These witnesses are examined as PW 7 to 9, 12 and 10 respectively. The PW 7 to 19 and 12 have completely turned hostile to the case of the prosecution stating that they have not witnessed any incident of cruelty in the house of the accused at Kanekal. There is no evidence available on record, except vague statements given by the PW 1 to

form an opinion that the first informant was subjected to physical or mental harassment in the house of the accused. The version of the prosecution that the first informant was subjected to mental and physical cruelty in her husband's house at Kanekal cannot be held proved.

21. No doubt, evidence of victim can solely be relied upon to determine commission of offence by the accused. However, the said evidence of victim has to be corroborated by other evidence such as evidence of any eye witnesses or medical evidence. In the present case, the evidence of other witnesses cannot be relied as PW 4, 5 and 11 are hearsay witnesses and the PW 7 to 10 and 12 have turned hostile to the case of the prosecution. The only evidence that could corroborate the version of the PW 1 is the medical evidence. No such medical evidence is available on record to show that there has been mental or physical harassment either at Kanekal or at Hosapete as alleged. Therefore, the evidence of PW 1 cannot be solely relied upon in the present case to hold that the accused has committed the offences as alleged.

22. There is no evidence placed on record to show that there has been willful conduct of the accused which likely caused any injury or danger to the life, limb or mental/physical health of the first informant as per the discussion made above. Such being the case, I am of the firm opinion that the cruelty alleged in the present case does not fall under explanation (a) to Section 498A of Indian Penal Code either. Therefore, I come to the conclusion that the prosecution has failed to prove beyond all reasonable doubts that the accused has committed the offence under Section 498A of Indian Penal Code.

23. The prosecution has alleged that the accused has hit the first informant on 14.11.2021 causing simple hurt to the first informant. As discussed above, the version of PW 1 is not believable in the facts and circumstances. Such being the case, this Court cannot solely rely upon oral evidence of PW 1 and hold that the accused has voluntarily caused simple hurt to the PW 1. Therefore, I am of the firm opinion that the prosecution has failed to prove beyond all reasonable doubt that the accused has committed under Section 323 of Indian Penal Code .

24. There is no oral evidence available on record to show that the accused have insulted the first informant with an intention to provoke her to break public peace or commit any offence. Mere slurs between the husband and wife or their relatives do not qualify to be intentional insult in my opinion. The prosecution has not placed sufficient evidence to prove that the accused has committed the offence under Section 504 of IPC .

25. In view of the foregoing reasons, I come to the conclusion that the prosecution has utterly failed to prove beyond all reasonable doubts that the accused has committed the offence of cruelty under Section 498A of Indian Penal Code and also the offence under Section 323 and 504 read with Section 34 of Indian Penal Code. The allegations made by the first informant in the Ex.P.1 as well as the charges leveled against the accused in the report filed by the police are not proved beyond all reasonable doubts and therefore, the accused is entitled to be acquitted for the above said offences. **Hence, I answer Point No.1 to 3 in the Negative.**

26. **POINT No.4:-** In the light of the discussion made above, I proceed to pas the following:-

:: O R D E R ::

Acting under Section 248(1) of Cr.P.C the accused No.1 to 6 are acquitted for the offences punishable under Section 498(A), 504 & 323 read with Section 34 of IPC.

The bail bond furnished by the accused No.1 to 6 shall be in force if an appeal or petition is preferred in the present case.

(Dictated to the Stenographer directly on computer, typed by him and corrected by me, then pronounced in the open Court on this day 7th day of March, 2026).

(Prashanth Nagalapura)
Prl Civil Judge & JMFC.,
Vijayanagara District, Hosapete

:: A N N E X U R E ::

LIST OF WITNESSES FOR THE PROSECUTION:-

- PW.1 :- Smt.Syed Khatun Bee
PW.2 :- Hasen Basha
PW.3 :- Hulugappa

- PW.4 : Syed Mohammad Ali
PW.5 : Syed Shafeena
PW.6 : D.Noor Basha
PW.7 : Shajadi
PW.8 : Khaja Hussain
PW.9 : Chinna Honnur Sab
PW.10 : Kasim Vali
PW.11 : Chand Basha
PW.12 : Asif
PW.13 : K.Rajashekhar
PW.14 : V.Raghavendra

LIST OF DOCUMENTS FOR THE PROSECUTION:-

- Ex.P.1 : Complaint
Ex.P.1(a,b): Signatures of witnesses
Ex.P.2 : Panchanama
Ex.P.2(a,b,c): Signatures of witnesses
Ex.P.3 : Photographs
Ex.P.4 : Panchanama
Ex.P.4(a to d): Signatures of witnesss
Ex.P.5 : Photographs
Ex.P.6 : Wedding invitation Card
Ex.P.7 : Photographs
Ex.P.8 : Marriage certificate
Ex.P.9 to 13: Statements of witnesses
Ex.P.14 : Rough sketch
Ex.P.14(a) : Signature of witness

Ex.P.15 : FIR
Ex.P.15(a): Signature of witness

LIST OF MATERIAL OBJECTS:-

---NIL---

LIST OF WITNESSES FOR THE ACCUSED:-

---NIL---

LIST OF DOCUMENTS FOR ACCUSED:-

---NIL---

(Prashanth Nagalapura)
Prl. Civil Judge & JMFC.,
Vijayanagara District, Hosapete.