

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.79 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioners/A-1 to A-7 to quash the proceedings in CC No.383 of 2022 on the file of learned Judicial Magistrate of First Class, Rajam, Vizianagaram District, registered for the offences punishable under Section 498-A read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

2. Case of the prosecution, in brief, is that on 05.08.2020, marriage between accused No.1 and the *de facto* complainant was performed as per their caste customs in Rajam town. Accused No.1 was working as Software Engineer in L & T Company and due to COVID-19, he was working from his home. It is alleged that at the time of marriage, on the demand made by accused Nos.1 to 7, the parents of the *de facto* complainant gave an amount of Rs.25,00,000/- towards dowry, 52 Tulas of gold ornaments, 3 Kgs of silver articles and one house site situated at Srikakulam road, near Mogilivalasa village. After marriage, the *de facto* complainant joined A-1 to lead conjugal life and from the date of marriage, A-1 started harassing the *de facto* complainant by suspecting her fidelity and accused Nos.1 to 7 harassed the *de facto* complainant both mentally and physically by demanding additional dowry and they further demanded a Car from the parents of

the *de facto* complainant. Though the *de facto* complainant informed her parents about the harassment being meted out by the accused from time to time, however, she waited for some period with a fond hope that they would change their attitude, but the accused did not change their attitude. One year back, the *de facto* complainant went to her parental house for delivery and she was blessed with a daughter. Though the same was informed to A-1, he did not turn up to see the *de facto* complainant and her daughter. However, accused Nos.2 to 7 went to the parental house of the *de facto* complainant and abused her in filthy language. The parents of the *de facto* complainant raised the issue before the elders who performed the marriage of A-1 with the *de facto* complainant. A panchayat was conducted and though the accused were admonished with regard to their attitude, they did not change their attitude and continued to harass the *de facto* complainant both mentally and physically. They further demanded additional dowry and neglected the *de facto* complainant and her daughter. Basing on the report made by the *de facto* complainant, the present case has been registered against the accused.

3. Learned counsel for the petitioners submits that the petitioners 2 to 7 herein/A-2 to A-7 are relatives of petitioner No.1 herein/A-1 and omnibus accusations have been made against all the accused that they

harassed the *de facto* complainant and except the said accusations there is no other material to connect the accused to the alleged crime.

4. On the other hand, learned counsel appearing on behalf of respondent No.2 contended that specific overt acts are attributed against all the accused. He has drawn the attention of this Court to the contents of the charge sheet, wherein it has been mentioned that all the accused harassed the *de facto* complainant both mentally and physically by demanding cash from her parents towards additional dowry and on the said ground he submitted that this is not a case of quashing the proceedings as against the petitioners herein, as specific overt acts have been attributed against them and prayed for dismissal of the Criminal Petition.

5. Learned Assistant Public Prosecutor too concurred with the submissions made by the learned counsel for respondent No.2.

6. Heard. Perused the record.

7. On a perusal of the charge sheet goes to show that specific accusations have been made against the petitioners herein that at the time of marriage, on the demand made by accused Nos.1 to 7, the parents of the *de facto* complainant gave an amount of Rs.25,00,000/- towards dowry, 52 Tulas of gold ornaments, 3 Kgs of silver articles and one house site situated at Srikakulam road, near Mogilivalasa village and after marriage, they harassed the *de facto* complainant both

mentally and physically by demanding additional dowry and further they demanded a Car from the parents of the *de facto* complainant. It is also alleged in the charge sheet that accused Nos.2 to 7 went to the parental house of the *de facto* complainant and abused her in filthy language and all the accused neglected the *de facto* complainant and her daughter. Going by the averments contained in the charge sheet, specific accusations have been attributed against all the accused. Truth or otherwise of the said accusations has to be decided during the course of trial, this Court, in a petition filed under Section 482 Cr.P.C., would not be in a position to conduct a roving enquiry into the disputed questions of fact and quash the proceedings at this stage.

8. In view of the aforesaid facts and circumstances of the case, this Court is not inclined to interfere with the proceedings. The Criminal Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Criminal Petition is dismissed.

9. However, since accused Nos.2 to 7 are all relatives of accused No.1 and they are staying at different places, presence of petitioners 2 to 7 herein/A-2 to A-7 before the trial Court is hereby dispensed with, except on those dates where the learned Magistrate feels that their presence is necessary. It is made clear that petitioner No.1/A-1 shall appear on his behalf and on behalf of A-2 to A-7 before the trial Court throughout the proceedings.

10. As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

Date:13.06.2023
Nsr/Bms

K. SREENIVASA REDDY, J.

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