

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.937 of 2013

BANDI JAGADRAKSHA RAO & ORS.

Appellant(s)

VERSUS

STATE OF A.P. & ANR.

Respondent(s)

O R D E R

This appeal has been preferred against Order dated 23.12.2011 passed by the High Court of Judicature at Andhra Pradesh at Hyderabad, declining to quash the proceedings against the appellants registered under Sections 4 and 6 of the Dowry Prohibition Act, 1961 and Sections 498-A and 506 of Indian Penal Code.

A complaint has been lodged by respondent no.2, Bandi Arathi, against the appellants who are husband, parents of the husband and brother of the husband of respondent no.2. The complaint was lodged on 31.07.2008 stating that marriage between appellant no.1 and respondent no.2 took place on 09.11.2003. Out of the wedlock, a son was born. They lived at Washington, U.S.A. Respondent no.2 visited India some time in December 2005 along with her son to see her ailing father. She also visited the house of the in-laws where the family members of appellant no.1 harassed her which amounted to offence alleged.

It is pointed out on behalf of the appellants that proceedings were initiated by appellant-husband against respondent-wife, for the custody of the child by filing habeas corpus petition before the High Court of Andhra Pradesh which petition was allowed on 24.09.2010. Appeal against the said order, filed by respondent no.2, was dismissed by this Court on 16.07.2013 vide Judgment in Arathi Bandi v. Bandi Jagadrakshaka Rao & Others - (2013) 15 SCC 790. Since, in spite of the said Judgment, respondent no.2 did not hand over the custody of the child, contempt proceedings were initiated before this Court and on 28.03.2016, this Court directed handing over of the custody of the child to appellant no.1.

In view of the above background, we are satisfied that the complaint filed by respondent no.2 against the appellants is malafide and abuse of the process of the Court. The same is accordingly quashed.

The appeal is allowed.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
JANUARY 19, 2017.

ITEM NO.102

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCriminal Appeal No(s). 937 of 2013

BANDI JAGADRAKSHA RAO & ORS.

Appellant(s)

VERSUS

STATE OF A.P. & ANR.

Respondent(s)

(Office Report)

Date : 19/01/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Sanjay Jain,Adv.
Mr. Vinay Arora,Adv.For Respondent(s) Mr. S.D. Anand,Sr.Adv.
Mr. S.K. Kapoor,Adv.
Mr. Deepak Girdhar,Adv.
Ms. Nidhi,Adv.Mr. S. Udaya Kumar Sagar,Adv.
Mr. Mrityunjai Singh,Adv.UPON hearing the counsel the Court made the following
O R D E R

In terms of the signed order, these appeal is allowed:

"In view of the above background, we are satisfied that the complaint filed by respondent no.2 against the appellants is malafide and abuse of the process of the Court. The same is accordingly quashed.

The appeal is allowed."

(MAHABIR SINGH)
COURT MASTER(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)