

**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**Criminal Petition No.11307 of 2013**

**ORDER:**

In this petition filed under Sec.482 Cr.P.C, the petitioner/A.3 seeks to quash the proceedings against her in C.C.No.275 of 2012 on the file of Judicial Magistrate of First Class, Nandyal, Kurnool District.

2) A.1 is the husband of *defacto* complainant, A.2 is the mother and A.3 and A.4 are sisters of A.1. On the report given by *defacto* complainant, the Police of Nandyal III Town P.S registered a case in Crime No.17/2012 and after investigation laid charge-sheet against A.1 to A.4 for the offences under Sec.498-A and Sec.3 & 4 of D.P. Act.

3) The allegations are that the marriage between the complainant and A.1 took place on 28.06.2010 and A.1 is working as MPDO at Dhone in Kurnool District and even before marriage with complainant, A.1 married another woman and divorced. Sometime after marriage, A.1 and complainant resided in Gnanapuram in the house of A.1. Within three months after marriage, A.1 addicted to alcohol and he started harassing her physically and mentally for additional dowry of Rs.1,00,000/-. When the complainant expressed the inability of her parents to pay such huge amount, he used to beat her. It is alleged that A.2 to A.4 also used to support A.1 and caused troubles to complainant. At the intervention of parents of the complainant, a mediation was held before elders and thereafter A.1 and complainant started living at Dhone separately. Even then also the woes of complainant not subsided and there was no change in the attitude of A.1. A.2 to A.4 used to visit Dhone sometimes and ill-treated her. Hence the complaint.

4) Denying the complaint allegations, learned counsel for petitioner/A.3 submitted that except an omnibus allegation against A.3 and A.4 no specific overtacts with clear-cut instances were narrated either in the complaint or in the charge-sheet and sofaras petitioner/A.3 is concerned, she was married and now residing at

USA and she has nothing to do with the affairs of A.1 and complainant and therefore, continuation of proceedings against her would amount to abuse of process of law and hence proceedings may be quashed. He relied upon the following decisions to buttress his argument that when the allegations levelled against the kith and kin of the husband of complainant, even if uncontroverted do not disclose any specific overtacts of cruelty and harassment, continuation of proceedings will result in abuse of process of law.

1. ***Preeti Gupta and another vs. State of Jharkhand***
2. ***Tahmeena Kaleem and others vs. State of A.P rep. By P.P***

5) Per contra, opposing the petition learned counsel for respondent/complainant argued that there is a specific allegation in FIR and charge-sheet against A.2 to A.4 including petitioner/A.3 to the effect that they used to support A.1 in the matter of ill-treatment and harassment meted out by A.1 to her and in view of it, the petition is liable to be dismissed.

6) In the light of above rival arguments, the point for determination is:

*“Whether there are merits in this petition to allow?”*

7) **POINT:** On a careful scrutiny of prosecution record such as FIR, 161 Cr.P.C statement and charge-sheet, it must be said, I find no specific overtacts of harassment and cruelty meted out to the complainant in the hands of A.2 to A.4 in general and particularly the petitioner/A.3. As rightly argued by learned counsel, except an omnibus allegation of mother and sisters of A.1 supporting him and goading him in the course of harassing his wife, no specific instances were vividly made to appeal to the conscience of this Court to hold that they too are part of the crime. The petitioner/A.3 is concerned, she is married and residing in USA. In the cited decisions, the Apex Court and this High Court deprecated the practice of complainant's unnecessarily roping in the relations of husband in the 498-A cases. The said decisions squarely apply to the present case on hand. As rightly argued by learned counsel for petitioner, continuation of proceedings against A.3 will certainly amount to abuse of process of

law unless expunged and hence expunged.

8) In the result, this Criminal Petition is allowed and proceedings against A.3 in C.C.No.275 of 2012 on the file of Judicial Magistrate of First Class, Nandyal, Kurnool District are quashed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**U. DURGA PRASAD RAO, J**

Date: 13.04.2015

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