

Andhra High Court

Rajeti Laxmi vs State Of Andhra Pradesh on 12 July, 2006

Equivalent citations: I (2007) DMC 797

Author: V Eswaraiah

Bench: V Eswaraiah

ORDER V. Eswaraiah, J.

1. This Criminal Petition is filed by the petitioner A-6 under Section 482, Cr.P.C. to quash the proceedings for the offence punishable under Section 498-A read with 34, IPC in C.C. No. 233 of 2004 on the file of the Judicial Magistrate of First Class, Cheepurupalli, which was originally registered for the offence under Sections 498-A, 497, IPC and Sections 3 and 4 of Dowry Prohibition Act read with 34 of IPC.

2. It is the case of the petitioner-A6 that she is only concubine of A-1 and having illicit intimacy with him. Even, if the allegations made in the charge-sheet are taken as true and correct, she cannot be punished for the offence under Section 498A IPC. Under Section 498A, IPC, whoever relative of the husband of the victim subjects the victim to cruelty, shall be punishable. It is stated that the action of A-1 having illicit intimacy with A-6, amounts to cruelty to L. W. 1, who is the wife of A-1, but it cannot be said that she is the relative of A-1, to attract the provisions of Section 498A, IPC.

3. The learned Public Prosecutor submits that whether the petitioner A-6 is relative or not, is a matter to be enquired before the Trial Court and it is not for this Court to appreciate the evidence.

4. The entire reading of the charge-sheet and the statements of L.Ws. 1 to 7, goes to show that it is nobody's case of the accused or the prosecution that A-6 is the relative of husband of L.W. 1. She is only concubine of A-1 and having illicit intimacy with him. Therefore, in the absence of any averment in the charge-sheet or any statement that she is a relative of A1, I am of the opinion that the offence under Section 498A, IPC do not attract to A-6. Even as per the dictionary meaning "relative" means a person connected by blood or marriage or 'a species related to another by common origin'. Simply because A-6 is having illicit intimacy with A-1, it cannot be said that she is a relative of A-1. Accordingly, the Criminal Petition is allowed quashing the proceedings in C.C. No. 233 of 2004 for the offence under Section 498-A, IPC, against the petitioner A6. Insofar as the other offences are concerned, it may go on.