

HON'BLE SRI JUSTICE G. KRISHNA MOHAN REDDY

Crl.P.No. 9382 and 9492 of 2010

COMMON ORDER:

These Criminal Petitions are filed under Section 482 Cr.P.C. to quash proceedings in Crime No.204 of 2010 on the file of I Town Police Station, Ongole, registered for offences punishable under Sections 363, 365, 384, 420, 464, 465 and 498-A IPC, so far as the petitioners herein are concerned.

2. The petitioners in Crl.P.No.9382 of 2010 are A-1 to A-8, the petitioner in Crl.P.No.9492 of 2010 is A-9 and the second respondent in both the criminal petitions is the defacto complainant in the criminal case. For the sake of convenience, I refer the parties as arrayed in the criminal case from now onwards.

3. It is necessary to note briefly the prosecution version for proper appreciation of the petition, it is as follows:

A-1 is the husband of the defacto complainant. A-2 and A-3 are the brothers, A-4 and A-5 are the sisters-in-law, A-6 is the sister, A-7 is the brother-in-law, A-8 is the nephew and A-9 and A-10 are the Advocates of A-1. The marriage of the defacto complainant and A-1 was performed on 18-02-2004. Out of their wedlock they were blessed with a child on 13-02-2007. Thereafter there was some change in the behaviour of all A-1 to A-8. Consequently they used to demand the defacto complainant to bring additional dowry of Rs.10,00,000/- from her parents. Further A-1 had illicit intimacy with a lady and he used to bring her to the house and whenever the defacto complainant questioned the attitude of A-1, he used to beat her. A-1 to A-8 used to harass her physically and mentally expressing to perform second marriage to the first of them. On 25-06-2010 A-1 along with A-2, A-3 and A-8 brought some papers to the defacto complainant and obtained her signatures on those papers by putting knife on the child following which they kidnapped the child. Thereby

she went to her parents' house at Hyderabad and lodged a report before the Station House Officer, Jeedimetla on 05-08-2010. It is further alleged that the defacto complainant and A-1 resided in Ongole for seven years, but A-1 had shown his address as a resident of Maddipadu in Guardian O.P. and he is intending to get divorce by setting her *ex parte*. The defacto complainant was living with her parents for two months prior to the date of giving complaint. It is further alleged that A-1 to A-3 and A-8 to A-10 harassed her without informing the stage of the Guardian O.P. making false allegations against her. Thus all the accused committed the alleged offences.

4. It is mainly contended by the learned counsel for A-1 to A-10, that earlier the defacto complainant gave one report to the Station House Officer, Jeedimetla on 05-08-2010 for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, but in that report the question of kidnapping the child on the same day was not mentioned which proves that it is a false case apparently by reason of which the proceedings are to be quashed.

5. The learned counsel for the defacto complainant has contended that even though in the earlier report the question of kidnapping the child was not mentioned, it is important that the matter is under investigation and hence, on that ground the proceedings cannot be quashed.

6. Learned Additional Public prosecutor has opposed the application.

7. It is necessary to see apparently as to whether the allegations made are false or true. The defacto complainant gave earlier report on 05-08-2010 to the effect that she was subjected to harassment by all the accused and that on 25-06-2010, A-1 approached her and forcibly obtained her signatures on divorce and other white papers, whereas in that report she did not mention about the so called kidnap said to have taken place on the

same day. Therefore, it appears that the allegations made subsequent to the earlier report are false.

8. Accordingly, the Criminal Petitions are allowed quashing the proceedings initiated in Crime No.204 of 2010 on the file of I Town Police Station, Ongole, so far as A-1 and A-10 are concerned.

G. KRISHNA MOHAN REDDY, J

Date:04-10-2012

YCR