

IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE-CUM-JUDICIAL
MAGISTRATE OF THE FIRST CLASS, PARVATHIPURAM.

Present : Ch. Madhu Babu
Principal Junior Civil Judge-cum-
Judicial Magistrate of the First Class,
Parvathipuram

Thursday, this the 27th day of February, 2020

C.C.No.217/2018

Between:

State represented by the Sub-Inspector of Police,
Komarada Police Station.

.....Complainant

And

- A-1. Pinninti Appalareddi @ Suresh, S/o Suribabu,
Aged 32 years, Reddika by caste, Gollalapalem Village,
Bheemunipatnam Mandal, Visakhapatnam City.
- A-2. Pinninti Suribabu, S/o Appanna, Aged 61 years,
Door No.10-36-111/1, Reddika by caste,
Bheemunipatnam, Visakhapatnam.
- A-3. Pinninti Simhachalam, W/o Suribabu, Aged 60 years,
Door No.10-36-111/1, Reddika by caste,
Bheemunipatnam, Visakhapatnam.
- A-4. Nandika Apparao, S/o Guruvulu, Aged 40 years,
Door No.3-17, Reddika by caste, Bheemunipatnam,
Visakhapatnam.
- A-5. Nandika Lakshmi, W/o Apparao, Aged 34 years,
Door No.3-17, Reddika by caste, Bheemunipatnam,
Visakhapatnam.

..... Accused

**(The A-4 and A-5 are discharged and Sections 3 and 4 of Dowry
Prohibition Act are deleted as per order of this Court in
Crl.M.P.No.109/2019 dated 10-04-2019).**

This case is coming on 24-02-2020 for final hearing before me in the presence of Asst., P.P., Grade-II for complainant and of Sri K.V.S.S.R.B learned counsel for accused and the matter having stood over for consideration to this day, this court delivered the following:

J U D G M E N T

01. The state represented by its Sub-Inspector of Police, Komarada Police Station laid charge sheet against five accused persons in

Cr.No.132/2017 under Section 498-A, 494 R/W 34 of IPC and Section 3 and 4 of Dowry Prohibition Act with the following allegations.

the marriage of Penninti Gowreeswari/L.W.1 was performed with A-1 on 04-04-2010 as per their caste customs. After the time of marriage, the parents of L.W.1 i.e., Jeeri Laxmi and Jeeri Pakeeru (L.Ws2 and 3) gave an amount of Rs.3,00,000/- towards dowry and worth of Rs.2,00,000/- sarisamanulu to A-1 to A-3. After, the marriage the L.W.1 and A-1 lead their conjugal life happily for a period of one year and later the A-1 to A-5 harassed the L.W.1 by demanding additional dowry of Rs.2,00,000/- and one motor cycle worth of Rs.1,00,000/- and necked out the L.W.1 from their house. Then L.W.1 went to her parents house, and the A-1 filed a divorce petition against the L.W.1 at Bheemunipatnam Civil Court, and after few adjournments the L.W.1 and A-1 compromised the matter and the A-1 took back the L.W.1 to his house at Gollalapalem and again started harassing the L.W.1 by demanding additional dowry and necked out her from their house. For which, the L.W.1 and her parents approached elders viz., Pinninti Prakashrao and Pinninti Gowri (L.Ws7 and 8) and held a panchayat and L.Ws2 and 3 gave an amount of Rs.2,00,000/- to A-1 to A-5 in the presence of elders. The A-1 to A-5 took the L.W.1 with them and treated her well for a few days and again started harassing the L.W.1 and necked out her from the matrimonial house by demanding additional dowry. While, the L.W.1 stayed at her maternal Village the A-1 got second marriage with another woman belongs to Kakinda. That basing on the report of L.W.1, the SI of Police, Komarada PS., registered a case in Cr.No.132/2017 under Section 498-A, 494 R/W 34 of IPC and Section 3 and 4 of Dowry Prohibition Act and investigated into. Hence, the complaint.

02. Basing on the charge sheet allegations and on perusal of other material available on record, this court took cognizance of the offence under Section 498-A, 494 R/W 34 of I.P.C., against the accused.

03. On appearance of accused, copies of documents were furnished to them as contemplated under Section 207 of Code of Criminal Procedure, 1973 (herein after referred to as 'Cr.P.C' for the sake of brevity). As per the proceedings of the Honourable District Court, Vizianagaram, in P.R.No.151/2018-A dated 08-10-2018 communicated in Dis.No.4527 dated 08-10-2018 the entire case recorded in C.C.No.217/2018 is transferred from Court of I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Parvathipuram to Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Parvathipuram.

04. The A-1 to A-3 were examined under section 239 of Cr.P.C., they denied the substance of accusation. After perusing the entire material on record and hearing both sides, charges have been framed against A-1 to A-3 under section 498-A of IPC and charge under Section 494 of IPC., against A-1, which was read over and explained to them in Telugu, for which, they pleaded not guilty and claimed the case to be tried. The A-4 and A-5 are discharged under Sections 3 and 4 of Dowry Prohibition Act are deleted as per order of this Court in CrI.M.P.No.109/2019 dated 10-04-2019.

05. To prove it's case, the prosecution has examined P.Ws.1 to 7 and got marked Exs.P-1 to P-5 and on its behalf and the details of which are mentioned hereunder in Appendix of Evidence and for defence none were examined but got exhibited Ex.D.1 to D.4.

06. On being closed the prosecution side evidence, the incriminating circumstances that appearing in the testimony of the prosecution witnesses were explained to the accused u/s. 313 (1) (b) Cr.P.C, for which the accused denied the incriminating circumstances from the testimony of the prosecution witnesses.

07. Now the points germane for determination are that :

- 1) Whether the prosecution has proved the guilt of the A-1 to A-3 for the offence under Section 498-A of IPC beyond all reasonable doubt?

2) Whether the prosecution has proved the guilt of the A-1 for the offence under Section 494 of IPC beyond all reasonable doubt?

3) What order?

08. In order to bring home the guilt of the accused, the prosecution has examined P.Ws1 to 7, out of 9 cited witnesses and relied upon the documentary evidence of Exs P.1 to P.5. The evidence of Jeeri lakshmi/L.W.2 is closed by this Court as in spite of repeated directions prosecution did not serve with summons on her. The evidence of L.W.8 is given by learned APP. The accused did not adduce any evidence, but got exhibited Ex.D.1 to D.4 to substantiate their case. P.W.1 is the victim and de-facto complainant. P.W.2 is the father of P.W.1. P.W.3 is the 2nd wife of the P.W.2 and step mother of P.W.1. P.Ws.4 and 5 are natural parents of P.W.1. P.W.6 is the marriage elder. P.W.7 is the Investigating Officer, who regd. FIR, conducted investigation, served notice u/s 41 -A Cr.P.C and filed charge sheet.

09. **Point No.1** :- Whether the prosecution has proved the guilt of the A-1 to A-3 for the offence under Section 498-A of IPC beyond all reasonable doubt?

In order to prove the offence u/s 498-A of IPC the prosecution mainly relied upon the evidence of P.Ws1 to 3 and 7 coupled with Exs.P.1 to P.5. The depositions of P.W.1 runs into 8 pages. But, however the duty of the Court is to separate grain from chaff. In view of the matter, the relevant portion of evidence is taken into consideration, as such, instead of reproducing the entire evidence this Court is of the considerable view the relevant material evidence has to be incorporated/brought in the Judgment.

10. i) To substantiate the offence u/s 498-A of IPC the P.w.1 deposed evidence that her marriage with A-1 was solemnized on 04-04-2010 according to Hindu rites and caste customs in Gollalapallem Village at the house of accused. She further testified that at the time of marriage, her parents gave dowry to A-1 to a tune of Rs.3,00,000/- and also presented 1 ½ tula gold to A-1. After, marriage the accused looked after P.W.1 well for one

year. Subsequently, the accused viz., husband, parents-in-law, her sister-in-law and her brother harassed her by comparing the dowry presented to the friends of her husband, demanding additional dowry of Rs.1,00,000/- and also demanded to present a motor cycle by selling the lands. The P.W.1 testified that the accused harassed the P.W.1 physically and mentally and beat her. The A-1 dropped her at her parents' house, subsequently after 10 days A-1 filed a petition before the Hon'ble Family Court seeking divorce. She further testified that during the pendency of the said divorce petition in the year 2013 the matter was compromised and she was taken to matrimonial house at Gollalapalem, Bheemunipatnam, there she was treated by the accused well. In the month of March - 2015 she was confirmed the pregnancy. In the month of April-2015 the A-1 again dropped her in the parental house for the amount. She further stated on 25-01-2016 in the 8th month of her daughter she took her to matrimonial house on that her husband and other accused necked out them stating that her daughter is not related to them. She further testified that she placed the matter before the elders viz., Village President. She further stated that the elders expressed their inability to pacify the matter and advised her and to approach the SI of Police, Komarada. The SI of Police called the A-1 to the Police Station, where A-1 agreed to take her back to the matrimonial home. Accordingly, the A-1 and her daughter were taken to her matrimonial home. Thereafter, the accused treated them well for 8 months. P.W.1 further stated that subsequently, A-2 to A-5 instigated the A-1 and all the accused demanded additional dowry of Rs.2,00,000/- and again she was dropped by A-1 at her parental house. P.W.1 admitted the contents of the report lodged by her and the signature appearing on it. The prosecution exhibited the report lodged by P.W.1 dated 16-12-2017 as Ex.P.1.

ii) The counsel for accused searchingly cross-examined all the witnesses more particularly P.W.1 and the Investigating Officer. Hence, it is apt to refer the material emanated from the cross-examination of P.W.1.

When the counsel for the accused confronted the certified copy of counter and certified copy of decree, certified copy of order and the main petition in FCOP No.11/2012 on the file of Hon'ble Addl. Family Court, Visakhapatnam. The P.W.1 admitted the same. Hence, the signature of the P.W.1 on the counter in the said FCOP as respondent, is exhibited by the accused as Ex.D.1. Whereas, the certified copy of decree, order and main petition of the said FCOP are exhibited as Exs.D.2 to D.4 respectively. P.W.1 admitted that in her counter she has stated that she paid an amount of Rs.1,35,000/- to A-1 towards dowry and in the Ex.P.1 an amount of Rs.3,00,000/- was paid to the A-1. She further admitted that both the amounts are falsely stated by her in the complainant, as well as, counter before the Hon'ble Family Court, Visakhapatnam. P.W.1 further admitted that her parents are not financially sound and they eke out their livelihood only by doing coolie works and that her adopted parents socially and economically poor. P.W.1 further admitted that her parents are not financially resourceful and not able to spend the marriage expenses, A-1 interested and their marriage was solemnized at his parents' house. She further admitted that she do not know whether no witnesses were examined at the vicinity of the house of the accused. P.W.1 further admitted that she did not specifically mention the overt-acts committed by the accused either in the complaint or 161 Cr.P.C., or in the chief examination. P.W.1 further admitted that after lodging the complaint the case was not referred to the family welfare committee. P.W.1 further admitted that she did not prefer any revision when this Court discharged the A-4 and A-5 and deleted the Sections 3 and 4 of D.P. Act. P.W.1 further admitted that she did not file any marriage photographs and any documentary proof in support of her case. P.W.1 further admitted that the Police did not conduct investigation either at her house or near the vicinity of her house. She further deposed that she gave Rs.1,80,000/- dowry. P.W.1 further stated that her adopted parents used to have Ac.0.27 cents in Kotipam Village, but she cannot say the Sry.No. and boundaries of the said

land. P.W.1 further admitted that after 2010 her adopted parents have no lands in their name. She further admitted that A-1 borne all the marriage expenses. P.W.1 further stated that she has not filed any documentary proof to show that she got married A-1. She further admitted that her adopted parents annual income at the time of marriage is about Rs.75,000/-.

11. i) In support of the case of prosecution, P.W.2 who is the adopted father of P.W.1 deposed evidence that the marriage of P.W.1 was solemnized in the month of April-2010; A-1 and P.W.1 were happy for a period of one year and thereafter there arose some disputes between them with regard to bringing of money of Rs.2,00,000/-. P.W.2 further testified that on the date of marriage an amount of Rs.3,00,000/- was given and marriage presentation and worth of Rs.2,00,000/- to A-2 and A-3 was given through elders. He further testified that he had knowledge of asking the P.W.1 to bring additional amount of Rs.2,00,000/- through elders. P.W.2 further stated that accordingly he paid an amount of Rs.2,00,000/- to A-1. P.W.2 gave deposition that A-1 filed a petition under restitution of conjugal rights before the Hon'ble Family Court, VSKP and they attend the court adjournment and subsequently the accused sought for permission and accordingly he send the P.W.1 to Gollapalem to the house of accused. P.W.2 further stated that the A-1 to A-3 and Venkata Lakshmi and Apparao sent away from the matrimonial house.

ii) P.W.2 during the cross-examination admitted that he cannot say the names of the elders referred to in Ex.P.1. on the next stoke of sentence he stated that Pinninti Yerraya Reddy, Ravi Kumar, lawyer and Sarpanch Gollalapalem informed him about the abusing and beating of P.W.1. P.W.2 further stated that the elders called one Jeeri Appala Narasamma, who is no other than his Junior Maternal Aunt informed about the incident to his wife and she in turn informed the same to him. P.W.2 further stated that he sold Ac.2.00 cents of land for meeting the marriage expenses. He further admitted that he did not file any document to say that he has sold away the

land for the purpose of marriage. He further admitted that he do not know whether the police examined the neighbours of the accused. He further stated that the Police did not examine his neighborus in this case. He further denied that P.W.1 resided only for 3 days in the matrimonial home. He denied a suggestion that he has no financial capacity to give dowry and marriage presentations.

12. i) P.W.3, the 2nd wife of the P.W.2 deposed evidence that P.W.1 is her adopted daughter and around 9 years back her marriage was solemnized with A-1 in the presence of elders. She further testified that she was present at the time of marriage and on the marriage day an amount of Rs.3,00,000/- was presented to the A-1. P.W.3 further deposed evidence that they were happy for one year and thereafter A-1 beat and driven her out from the matrimonial home demanding for additional amount of Rs.2,00,000/- and bike and they did not present the same to A-1 as they have no capacity to present the same. Thereafter, she along with P.W.1 gone to the PS.,

ii) P.W.3 during the cross-examination stated that they became poor after presenting the dowry to the A-1. She stated that she has sold away the jeroythi land situated in Kotipam Village to perform the marriage of P.W.1. She further stated that she has not file any documents before the Court and she would produce the documents if time is granted. She denied a suggestion that A-1 married P.W.1 without taking dowry and A-1 liked the marriage alliance with P.W.1. She further denied a suggestion that she did not mention the specific overt acts either in the 161 Cr.PC., statement or in the chief examination.

13. i) P.W.7 Investigating Officer deposed evidence that basing on the strength of written report presented by the P.W.1 by coming to the PS., on 16-12-2017 at 17:00 hours he issued FIR in Cr.No.132/2017 u/s 498-A, 494 R/W 34 of IPC and Sections 3 and 4 of D.P. Act. He further stated that he submitted original FIR to the Additional Judicial Magistrate of First Class Court, Parvathipruam, and examined the witnesses and after serving the

Section u/s 41-A Cr.P.C on A-1 to A-5 and after termination of investigation he filed charge sheet.

ii) P.W.7 the Investigating Officer admitted that the Family Welfare Committed were functioning during the year 2017-18 under the control of District Legal Service Authority of every district. He further admitted that by the time of registration of FIR and filing of the charge sheet the Family Welfare Committees were functioning. He admitted that according to the guidelines of Hon'ble Supreme Court, before registration of the FIR any matrimonial disputes or cases under 498-A of I.P.C shall be referred to the Family Welfare Committees, but after filing of the charge sheet in this case. He further admitted that the P.W.4 and 5 are residents of Balagudaba, but not Kotipam. He further stated that he has gone to Kotipam Village to examine the P.Ws 4 to 6 and L.W.8. he further admitted that all the overt acts alleged to have been committed in Gollalapalem Village as per the Ex.P.1. he further admitted that there are no specific date/dates mentioned in the Ex.P.1 with regard to specific overt acts except mentioning sometime, after some days and after some months. The Investigating Officer admitted that he conducted investigation in Gollalapalem Village, but nobody supported him. P.W.7 further admitted that he do not remember whether there are entries in the general diary or pass port to show that he visited Gollalapalem Village to conduct investigation. He further admitted that a valid marriage is an essential ingredient under Section 498-A of IPC. P.W.7 further stated that L.W.2/Jeeri lakshmi and P.Ws 2 to 6 and L.W.8/Pinnenti Gowri are the eye witness as they have gone to the Gollalapalem Village. He further admitted that he has not cited the aforesaid persons as eye witnesses in the charge sheet. P.W.7 further admitted that he has not produced any documentary evidence to show that the accused were given dowry and marriage presentations. He further admitted that he has not conducted investigation as to the capacity of P.W.1 and his family members to give huge dowry and marriage presentations. He further admitted that

P.W.1 and her family members did not state before him that they sold away their properties in order to present dowry and marriage presentations.

14. On analyzing the evidence P.Ws 1 to 3 and 7 there is no documentary proof to show that the accused was given dowry of Rs.3,00,000/- house hold articles of Rs.2,00,000/-. The same has been categorically admitted by the P.Ws 1 and 7 in their cross-examination. It is the defence of the accused that the family members of the P.W.1 are not financially resourceful. As such, he bore all the marriage expenses and his marriage was performed at his house in Gollalallem Village. P.W.1 categorically admitted in her cross-examination that her adopted father's annual income is of Rs.75,000/- and they are socially and economically poor people. P.W.3 gave deposition that by giving dowry by selling the lands they became poor. P.W.3 and the Investigating Officer categorically admitted that they did not file any document to show that P.W.1 and her family members sold away the land. P.W.1 admitted that by 2010 year no lands are in the name of her father. The investigating Officer categorically admitted that he did not conduct investigation as to the financial capacity of P.W.1 and her family members to present such a huge dowry and marriage presentations. P.W.1 even admitted that no document is filed before this Court to show that her marriage is solemnized with A-1. The learned counsel for accused relied upon following decisions.

1). Honourable Madras High Court in between A. Raja Sundari Vs. Suresh Kumar decided on 17th March, 2016 wherein it was referred to a decision reported in 2010(2) CTC 654 in between Vijayalakshmi vs Kanappan and the question before the honourable court when a marriage is dissolved by a decree of divorce and when the time for preferring the appeal is over, whether it shall be lawful for the either party to marry again thereafter, as contemplated under section 15 of Hindu marriage Act, the honourable court held that

As per the provision, if a marriage was dissolved by a decree of divorce and when there is no right of appeal or appeal time is over and if the appeal was dismissed, it shall be lawful for either party to marry again.

2) Honourable Supreme Court in between Kailash Chandra Agarwal and another Vs. State of U.P., and others dated 16th September, 2014 reported in 2014(16) SCC 551

In such remote relationship, the appellants will have no interest in raising any demand for dowry or causing any harassment to the complainant. Their implication was thus, clear abuse of the process of the Court.

The citations relied upon by the learned counsel for the accused are squarely applicable to the facts and circumstances of this case.

15. In so far as the cruelty is concerned the P.W.1 deposed evidence that she was subjected to cruelty both mentally and physically by accused at her in-laws house at Gollalapalem Village of Bheemunipatnam Mandal. The defence of this accused in this regard is that P.W.1 resided at the house of her in-laws only for 3 days and she never came back to the matrimonial house. The prosecution witnesses P.Ws 1 and 2 categorically admitted that there is no specific dates of overt acts and in the charge sheet, as well as, in Ex.P.1 it was recited after some time, some days and after some months, but not specifically stated the dates. As can be seen from the evidence of P.Ws1 to 3 the over acts were not personally known to P.Ws 2 and 3. P.W.1 did not state that she was mentally and physically harassed by accused to P.W.2. P.W.2 stated that he had knowledge of demanding of additional dowry through the elders. One of the elder P.W.6/Pinninti Prakasa Rao, turned hostile and he did not depose as to demanding dowry by accused on the panchyat held by him. Another elder is none other than his wife/L.W.8/Pinninti Gowry, the evidence of which prosecution has given up. Hence, the demand of additional dowry of Rs.2,00,000/- and payment by P.W.2 is not established. P.W.2 further stated that the overt acts committed

by the accused were informed by her maternal aunt Jeeri Appalanarasamma to his wife and she in turn informed the same to him. Admittedly Jeera Appala narasamma not cited, and not examined in this case. The evidence of P.Ws1 to 3 shows only omnibus statements, but they did not stated specifically which of the accused harassed the P.W.1 in a particular manner with all the details. More over there is no persistant demand of additional dowry. The Court comes across the following decisions reported in

i) 2003 lawsuit (AP) 39 Bomma Ilaiah Vs. The State of A.P., decided on 09-01-2003 wherein it was held that

“In order to constitute cruelty under clause (a) it is not enough that the conduct of the accused is willful and offensively unjust to a woman, but it is further necessary that the degree of the intensity of such unjust conduct on the part of the accused is such as is likely to drive the woman to commit suicide or such conduct is likely to cause grave injury or danger to her life or limb, or to her mental or physical health”.

ii). Honourable Supreme Court in between 2009 AIR 2056 Manju Ram Kalita Vs. The State of Assam, decided on 29-05-2009 wherein it was held that

“It is to be established that the woman has been subjected to cruelty continuously/persistently or at least in close proximity of time of lodging the complaint. Petty quarrels cannot be terms as ‘cruelty’ to attract the provisions of Section 498-A of IPC causing mental torture to the extent that it becomes unbearable may be termed as cruelty”.

iii). 2010 lawsuit (Mad) 4258 Murugesu Pandian Vs. The State of A.P., decided on 02-02-2010 wherein it was held that

“Even assuming that there was some demand for money, that too some time back, long before her commission of suicide on account of some financial stringency, it cannot be said that there was harassment or cruelty inflicted on the deceased for dowry”.

iv). Ragupathy (A-1) Vs. The State by Inspector of Police, decided on 31-07-2019 wherein it was held that

“Cruelty for the purpose of Section 498-A IPC is to be established in the context of Section 498-A IPC as it may be different from other

statutory provisions. It is to be determined/inferred by considering the conduct of the man, weighing the gravity or seriousness of his act and to find out as to whether it is likely to drive the woman to commit suicide, etc. It is to be established that the woman has been subjected to cruelty continuously/persistently or at least in close proximity of time of lodging the complaint. Petty quarrels cannot be termed as cruelty to attract the provisions of Section 498-A IPC causing mental torture to the extent that it becomes unbearable may be termed as cruelty.”

v). Honourable Supreme Court of 2013 AIR 3055 India Kantilal Martaji Pandor Vs. The State of Gujarat, decided on 25-07-2013 wherein it was held that

“Wherein it has been held that for holding an accused guilty under Section 498-A IPC it can be established that the woman has been subjected to cruelty continuously/persistently or at least in close proximity of time to the lodging of the complaint and petty quarrels cannot be termed as cruelty to attract the provisions of Section 498-A IPC, though mental torture to the extent that it becomes unbearable may be termed as cruelty”.

16. The prosecution miserably failed to prove P.W.1 was continuously, persistently, subjected to cruelty by accused or at close, proximity of lodging of FIR moreover the alleged over acts are committed six months prior to 16-12-2017.

17. It is also the defence of the A-1 that in Hon’ble Additional Family Court, Visakhapatnam, that she is unwilling to participate in the sexual intercourse on the ground that she is too young. It is also the contest of the accused that the girl child borne to P.W.1 is not that of his daughter. During the course of cross-examination of P.W.1 the accused exhibited Exs.D.1 to D.4. The very contention of the A-1 or the accused case is that by the date of presenting Ex.P.1 report by the P.W.1 there is no existing marriage between the A-1 and the P.W.1 pursuant to the Ex.D.3. The recitals of the Ex.D.3 goes to show that the marriage of A-1 with P.W.1 is dissolved by a decree of divorce by the Hon’ble Additional Family Court, Visakhapatnam, on

03-09-2015. The accused contesting the case that since marriage is an essential ingredient for the offence under Section 498-A of IPC and since A-1 obtained decreed of divorce from the competent Civil Court dissolving the marriage of A-1 with P.W.1 a false case has been foisted against the accused. As per the evidence of P.W.7 he did not ascertain whether the divorce petition filed by A-1 is pending or otherwise. The Investigating Officer explained during the course of cross-examination that P.W.1 told him in view of sickness she had been to her parent's house and residing along with her parents and without her knowledge A-1 filed divorce petition, as such, she could not attend the adjournments. It is pertinent to refer to the cross-examination of P.W.1 in that aspect. P.W.1 admitted in the cross-examination that he personally attended the Hon'ble Additional Family Court, Visakhapatnam, on 14-03-2012 and also lastly attended in the month of May-2017. P.W.1 further admitted that the said FCOP No.11/2012 has been disposed on 03-09-2015. P.W.1 categorically admitted that she has not preferred any revision or appeal before any Appellate Court. But, P.W.1 has stated before the Court that she has filed the re-open petition on 10-04-2019. But, in the further cross-examination she admitted that she did not file copy of re-open petition before this Court.

18. The learned APP argued that P.W.1 could not attend the Hon'ble Additional Family Court, Visakhapatnam, since she was residing at her parents' house in Kotipam Village and also she being a pregnant woman. During the course of arguments the learned APP argued that P.W.1 resided along with the accused and the prosecution witnesses deposed evidence that the accused harassed both physically and mentally demanding additional dowry. Per-contra the learned counsel for the accused argued that P.W.1 only resided for 3 days in the matrimonial home and she did not stay in the accused house at any point of time thereafter. The learned counsel further argued that since the decree of divorce has been granted to A-1, even assuming for argument sake the co-habitation of A-1 with P.W.1 amounts to

another offence, but not the offence under Section 498-A of IPC under any stretch of imagination. When, the defence vehemently contended that A-1 obtained the decree of divorce and the P.W.1 having stated before this Court that she filed a re-open petition before the Court did not choose to file a copy or the status of the FCOP No.11/2012 on the file of Hon'ble Additional Family Court, Visakhapatnam. In view of the foregoing reasons the prosecution has failed to establish that on the date of presenting the Ex.P.1 there is a valid marriage subsisting between A-1 and P.W.1. The A-1 relied upon the certified copy of an order passed by the Hon'ble Additional Family Court, Visakhapatnam. The prosecution did not deny the passing of Ex.D.3 order, but contending that the P.W.1 has filed a re-open petition which is not brought on record to substantiate the contention of the prosecution. As can be seen from the Ex.D.1 to D.4 there is no valid marriage between A-1 and P.W.1 in the sight of law.

19. The learned counsel for the accused argued that since this case being a false case foisted by the P.W.1 against the accused, the prosecution even though taken so many adjournments could not produce the witnesses. The defence counsel further argued that nothing was actually happened and with a view to grab money from the accused this case has been foisted. The defence counsel elicited that the prosecution witnesses are the adopted parent's natural parents and the 2nd wife of the P.W.2 and relatives, who are said to be the marriage elders. In matrimonial offence like 498-A of IPC only the family members and friends would support the case naturally and they are natural witnesses and their evidence cannot be thrown away by terming them as inimical witnesses. This Court comes across a decision of Honorable Supreme Court reported in between Bhanuben and another Vs. State of Gujarat decided on 14-09-2015 reported in AIR 2015 3405, wherein it was referred to a decision of Honourable Supreme Court in a case of Viswanath Agarwal Vs. Sarlaviswanath Agarwal wherein it was stated that

“in a matrimonial disputes it would be inappropriate to accept outsiders to come and depose. The family members and sometimes relatives, friends and neighbours are most natural witnesses. The veracity of the testimony is to be tested on objective parameters and not to be thrown overboard on the ground that witnesses are related to either spouse”.

20. The natural parents P.Ws 4 and 5 turned hostile and they did not support the case of prosecution. Naturally the natural parents support the case of their daughter, if any offence has been committed against her. L.W.2/Jeeri Laxmi has not been examined in this case for long time and the prosecution stated that she was bed ridden. Having submitted that they did not file any medical certificate to say that she is unable to move from the bed to depose evidence on behalf of the prosecution. The learned defence counsel time and again brought the said fact to the notice of this Court that the trial has been delayed without producing the L.W.2 and submitted that the natural mother did not support the case of P.W.1, such is the situation in this case.

21. The elder, P.W.6 turned hostile and he did not support the case of prosecution. The learned counsel for accused argued that P.W.6 and L.W.8/Pinninti Gowri are wife and husband and the prosecution unable to explain the reason, as to why, the wife is not examined when the husband came to the Court to depose evidence and raised the suspicion over the case. Finally the learned Assistant Public Prosecutor given up the evidence of L.W.8 on 30-01-2020.

22. The Investigating Officer categorically admitted that he had not conducted investigation as to the property of P.Ws1 to ascertain the financial capacity of P.Ws1 and her relatives to present such a huge dowry and marriage presentations. Moreover, P.Ws1 and 2 more particularly gave answers and immediately they have tried to cover up the admissions made in answer to the previous questions put by the learned defence counsel. The answers given by them are not spontaneous and natural. This is also one of

the circumstance goes against the case of prosecution. The Investigating Officer has not followed the guidelines of the Honourable Supreme court in accordance with the directions laid down in Rajesh Sharma case and until the decision rendered by the Honourable Supreme Court stopping referring the matrimonial disputes to family welfare committee under the control of District legal Services Authority of every District in the month of September,2018. The Investigating Officer tried to impress upon the Court that during the evidence that after filing of the charge sheet the guidelines issued by the Supreme Court in Rajesh Sharmas case. As can be seen from the Ex.P.1 and the charge sheet, the Investigating Officer has to follow the guide lines of Rajesh Sharma case in referring the case before registration of FIR to Family Welfare Committee. The learned counsel for accused relied upon the following decisions reported in :

i) Honourable Supreme Court in between Rajesh Sharma Vs. the State of Uttar Pradesh decided on 27th July, 2017 reported in 2017 AIR 3869 wherein the following are the core points in the facts and circumstances of this case

Arrest of the collateral accused such as father-in-law, mother-in-law, brother-in-law or sister-in-law etc. should only be made after prior approval of DCP on file.

Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.

Section 498A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of the Act 46 of 1983. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide.

Every complaint under Section 498A received by the police or the Magistrate be referred to and looked into by such committee. Such committee may have interaction with the parties personally or by means of telephone or any other mode of communication including electronic communication. Personal appearance of all family members and particularly outstation members may not be required and the trial court ought to grant exemption from personal appearance or permit appearance by video conferencing without adversely affecting progress of the trial.

2) Honourable Supreme Court in between Preeti Gupta and another Vs.

State of Jharkhand and another reported in 2010 AIR 3363

It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498-A as a basic human problem and must make serious endeavor to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.

Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.

The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law & Justice to take appropriate steps in the larger interest of the society.

When the facts and circumstances of the case are considered in the background of legal principles set out in preceding paragraphs, then it would be unfair to compel the appellants to undergo the rigmarole of a criminal trial. In the interest of justice, we deem it appropriate to quash the complaint against the appellants. As a result, the impugned judgment of the High Court is set aside. Consequently, this appeal is allowed.

These citations in the considerable opinion of this court do apply to the facts and circumstances of this case. In light of afore said discussion, this court is of the considerable view that prosecution failed to bring home the guilt of the accused beyond all reasonable doubt.

23. The SI of Police, gone to the extent that he do not know whether the District Police Act is binding on any Police Officer including himself, wherein the guidelines of the Hon'ble Supreme Court have to be followed by them scrupulously. The learned counsel for the accused attacked the acts of Investigating Officer by terming them as arbitrary acts committed by the Investigation Officer. The defence counsel suggested to the Investigating Officer that he had called the A-1, 15 to 20 times asking him to settle the case by giving Rs.5,00,000/- or Rs.10,00,000/- to P.W.1. . Failing which he will get the A-1 roam around the Courts by filing false complaints, for which, the life time of the accused will not be sufficient. The investigating Officer during his cross-examination stated that if he called the A-1 at any time with his official number 9121109470 to the phone No. 9177479753 of A-1 to settle the matter in the Lok Adalat. The learned defence further attacked the Investigating Officer that he has maintained intelligent silence in the charge sheet, as well as, the in FIR to cover up lacunae and latches in the investigation. It was also suggested to the Investigating Officer, that a false case against the family of the accused has been filed and roamed the accused around this Court all this years, as such, he is liable for malicious prosecution and besides department action and other provisions of the IPC.

The learned counsel for accused relied upon the following decisions reported in :

i) Honourable Supreme Court in between Onkar Nath Mishra & other Vs. State (Nct of Delhi) & another decided 14th December, 2007 reported in 2008 AIR 204

Section 498A I.P.C. was introduced with the avowed object to combat the menace of dowry deaths and harassment to a woman at the hands of her husband or his relatives. Nevertheless, the provision should not be used as a device to achieve oblique motives. Having carefully glanced through the complaint, the F.I.R. and the charge-sheet, we find that charge under Section 498A I.P.C. is not brought home insofar as appellant Nos. 1 and 2 are concerned.

ii) Honourable High Court of Kerala in between M. Abdul Sathar Vs. Aneesa decided on 12th January, 2005

'the husband' but only the 'former husband' of the complainant. According to him, offence under Section 498A IPC will lie only against 'the husband' and 'the relatives of the husband'. But, on account of the divorce petitioner ceased to be the 'husband' and no marital relationship exists between complainant and petitioner. Section 498A IPC deals with a matrimonial offence and existence of a matrimonial relationship between the accused and the victim is a pre-requisite to constitute offence under the said section. But, petitioner not 'being the husband' of the complainant, he cannot be proceeded against under Section 498A IPC. These in short, are the arguments.

Another important question also arises in this case. Can a former husband be held liable under Section 498A IPC for alleged act of 'cruelty' committed by him on his divorced wife, after the divorce? As per the allegations in the complaint, petitioner who is the former/divorcee husband of the divorced woman continued to inflict 'cruelty' on her even after divorce. But, going by the language of Section 498 IPC, he cannot be held guilty of offence under Section 498A IPC because, as per the said Section, the act committed by a person will be an offence only if he has done it in his marital status as 'the husband'. After divorce, he ceases to be 'the husband' and hence such acts committed by him after divorce will not constitute offence

under Section 498A IPC. If such acts make out any other offence, he can be proceeded against for such other offence or offences.

24. Hence, in view of the aforesaid discussion this Court of the considerable opinion that the offence under Section 498-A of IPC is not made out. Accordingly, point No.1 is answered in favour of accused. In view of the above observations made by this Court against the Investigating Officer, this Court deems it proper to take Departmental Action against the erring Investigating Officer as per the guide lines of the Apex Court in between State of Gujarath vs. Kishan Bai reported in 2014 AIR 1891. Accordingly, Office is directed to serve copy of this Judgment to the Superintendent of Police, Vizianagaram, with a covering letter.

25. **Point No.2 :-** Whether the complainant proved the guilt of the A-1 for the offence under Section 494 of IPC beyond all reasonable doubt?

In so far as 494 of IPC against A-1 is concerned, the P.W.1 deposed that in the chief examination that after 2 days of sending back to her parental house the A-1 again married one girl who is resident of Kakinada. P.W.1 in the cross-examination denied that having knowledge of the fact the Hon'ble Additional Family Court, Visakhapatnam granted decree of divorce in favour of A-1; she falsely filed this case and deposed false evidence. During the cross-examination P.W.1 clarified that she was sent back to parental house 6 months prior to lodging of the report and A-1 married another girl 15 days prior to lodging of the report that is on 16-12-2017 is correct, but not as stated her in her chief examination that 2 days after sending to parental house A-1 married for the 2nd time.

26. P.W.2 during cross-examination admitted that the SI of Police, refused to peruse the copies of decree of divorce produced by the A-1. P.W.2 categorically admitted that he do not know the lady with whom A-1's marriage was solemnized prior to 15 days of lodging the Ex.P.1. He further admitted that he do not know whether the 2nd marriage of A-1 was performed with a lady who is resident of Kakinada or not. P.W.3 during her cross-

examination stated that the maternal aunt of A-1 stated her over phone that around 3 months back A-1 contracted second married in Manapuram Village. P.W.3 admitted that A-1 filed FCOP against P.W.1 and she along with P.W.1 attended Court adjournments. She further admitted that she do not know whether the Court of Visakhapatnam Court granted decree of divorce in favour of A-1 dissolving the marriage of A-1 with P.W.1 or not. She further admitted that she cannot remember the day on which she lastly attend the Court adjournments in Visakhapatnam. She denied a suggestion that since Court granted a decree of divorce in favour of A-1 her evidence is not sustainable in the eye of law.

27. P.W.7 admitted that he has not ascertained the pendency or the disposal subject divorce petition alleged to have been filed by the P.W.1 at Bheemili Court. Which, fact already discussed or mentioned while dealing with the above point No.1. The P.W.3 also admitted that the valid marriage is essential ingredient for the Section 494 of IPC. He has not conducted investigation as to getting divorce by the A-1 during the course of investigation. P.W.7 further admitted that he has not produced any evidence before this Court to show that the marriage of accused was solemnized with another girl during the subsistence of the earlier marriage. He further admitted that he has not mentioned the name of the girl with whom the A-1 alleged to be married, the date of marriage, the place where the said marriage was performed. P.W.7 stated that the accused manipulated the evidence under Section 494 of IPC and he did not mention the same in the charge sheet. P.W.7 denied a suggestion put to him by the learned counsel for accused that having knowledge of granting of decree of divorce on 03-09-2015 in FCOP No.11/2012 by the Hon'ble Additional Family Court, Visakhapatnam, he suppressed the said fact and filed the case against the accused. He further stated that orally the P.W.1 informed him that A-1 filed divorce petition against her and she could not attend the Court in view of ill-

health and Court granted divorce in her absence and the same is deposed by him in the Court.

28. On analyzing the evidence of P.Ws 1 to 3 and 7, except hearsay words and evidence they have not spoken to anything about the name, date of marriage and place of marriage. The Investigating Officer did not collect any material about the 2nd marriage contracted by A-1 during the course of investigation.

29. On careful scrutiny of evidence of P.Ws 1, 2 and 7 they had knowledge that an order has been passed by the Visakhapatnam's Civil Court granting decree of divorce in favour of A-1. Except, here say evidence no material is placed by the prosecution to establish the second marriage of A-1 with another girl. Having knowledge of the 2nd marriage of the A-1 the Investigating Officer did not conduct any investigation at Kakinada or the place at which the alleged 2nd marriage was contracted. P.W.2 made a categorical admission that the accused has shown the copy of decree of divorce, but the SI of Police, did not take into consideration by saying that it is unnecessary. P.W.1 stated that she filed re-open petition, but could not file the copy of re-open petition or the stage of FCOP No.11/2012. P.W.3 also stated that she attended the Court adjournments in connection with the FCOP. Having admitted that to constitute an offence under Section 494 of IPC a valid marriage is necessary. The Investigating Office has not taken steps to verify the result of FCOP and whether there was subsisting marriage as on the date of report or filing of charge sheet as the case may be. Either the P.Ws1 to 3 or the Investigating Officer did not act diligently as to the legal position of marital status between the A-1 and the P.W.1. On the other hand the accused relied upon the Ex.D.1 to D.4 which categorically shows that P.W.1 is the legally wedded wife of A-1 and their marriage was dissolved by decree of divorce on 03-09-2015. Ex.D.1 to D.4 are certified copies issued by Hon'ble Additional Family Court, Visakhapatnam and the genuinity cannot be questioned, the prosecution did not deny the genuineness of the Exs.D.1 to

D.4. Section 494 of IPC attracts only when accused contracts a 2nd marriage during the subsistence of marriage with P.W.1. In view of the orders of the Honourable Family Court under Ex.D.3 no valid marriage is subsisting as on the date of Ex.P.1 report. There is an exception given in Section 494 of IPC that if the 1st marriage is dissolved by decree of divorce the offence cannot be said to have been committed. The learned counsel for accused relied upon the following decisions reported in :

i) Honourable Madras High Court in between A. Raja Sundari Vs. Suresh Kumar decided on 17th March, 2016 wherein it was referred to a decision reported in 2010(2) CTC 654 in between Vijayalakshmi vs Kanappan and the question before the honourable court when a marriage is dissolved by a decree of divorce and when the time for preferring the appeal is over, whether it shall be lawful for the either party to marry again thereafter, as contemplated under section 15 of Hindu marriage Act, the honourable court held that

As per the provision, if a marriage was dissolved by a decree of divorce and when there is no right of appeal or appeal time is over and if the appeal was dismissed, it shall be lawful for either party to marry again.

ii) Honourable Supreme Court in between Pashaura Singh Vs. State of Punjab and another decided on 13th November, 2009 reported in 2010 AIR 922 wherein it was held

Section 494, IPC, inter-alia, requires the following ingredients to be satisfied, namely, (i) the accused must have contracted first marriage; (ii) he must have married again; (iii) the first marriage must be subsisting and (iv) the spouse must be living. Insofar as present case is concerned the appellant's marriage with Kamaljeet Kaur was not subsisting on January 2, 2002 when he is said to have married second time. Pertinently before the High Court, along with reply, the complainant Balwant Singh annexed copy of an affidavit filed by Kamaljeet Kaur which states that she was not aware of the divorce proceedings filed by her husband Pashaura Singh. However, from this affidavit, it is apparent that her husband

has obtained a divorce judgment. There is nothing in the affidavit that divorce judgment has been stayed or set aside. On the face of the allegations made in the first information report, therefore, ingredients of the offence under Section 494, IPC are not satisfied.

We have no hesitation in holding that the first information report lodged by Balwant Singh is manifestly attended with malafides and actuated with ulterior motive. The prosecution of the appellant is not at all legitimate, rather it is frivolous, vexatious, unwarranted and abuse of process. The appellant has made out a case for quashing the first information report and all subsequent proceedings pursuant thereto.

In view of the matter, the prosecution miserably failed to prove the offence under Section 494 of IPC beyond all reasonable doubt. In the circumstances, the accused are entitled for benefit of doubt and are liable for an order of acquittal.

30. **Point No.3 :-** To what order.

In the result, the A-1 to A-3 are found **not guilty** for the offence punishable under section 498-A of IPC; and A-1 is found **not guilty** for the offence punishable under Section 494 of IPC. Accordingly they are acquitted under 248 (1) of Cr.P.C. The A-4 and A-5 are already discharged as per order of this Court in Crl.M.P.No.109/2019 dated 10-04-2019. The accused shall execute bond for Rs. 10,000/- (Rupees Ten thousand only) each under Section 437-A Cr.P.C., to appear before the Appellate Court, if any appeal is filed.

Typed to my dictation by the Stenographer Grade-III, corrected, signed and pronounced by me in the open Court, this the 27th day of February, 2010.

Sd/- Ch. Madhu Babu
Principal Junior Civil Judge-cum-Judl.
Magistrate of First class, Parvathipuram.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED FOR

PROSECUTION

DEFENCE

P.W.1 : Penninti Gowreeswari

- None -

P.W.2 : Jeeri Pakeeru

P.W.3 : Jeeri Ramulamma

P.W.4 : Neelapu Simhachalam

P.W.5 : Neelapu Chinnamma

P.W.6 : Pinninti Prakashrao

P.W.7 : P. Dinakar, SI of Police, Komarada PS.,

DOCUMENTS MARKED

PROSECUTION

Ex.P.1: Report of P.W.1 given to police dated 16-12-2017.

Ex.P.2: 161(3) Cr.P.c., statement of P.W.4 dated 18-12-2017.

Ex.P.3: under line portion of 161(3) Cr.P.c., statement of P.W.5 dated
18-12-2017.

Ex.P.4: 161(3) Cr.P.c., statement of P.W.6 dated 18-12-2017.

Ex.P.5: Original FIR in Cr.No.132/2017 of Komarada PS.,

DEFENCE

Ex.D.1 : Signature of P.W.1 on the Counter.

Ex.D.2 : Certified copy of Decree in FCOP No.11/2012 on the file of
Hon'ble Addl.Family Court, Visakhapatnam, dated 03-09-2015.

Ex.D.3 : Certified copy of order shown to P.W.1 is the order copy passed
by the Hon'ble Addl. Family Court, Visakhapatnam, dated
03-09-2015.

Ex.D.4 : Certified copy shown to P.W.1 in the main petition of Hon'ble
Addl. Family Court, Visakhapatnam, in F.C.O.P.No. 11/2012.

MATERIAL OBJECTS

- Nil -

Sd/- Ch. Madhu Babu
Principal Junior Civil Judge-cum-Judl.
Magistrate of First class, Parvathipuram

CALENDAR AND JUDGMENT

Calendar cases tried by the Court of Principal Junior Civil Judge-cum- Judicial Magistrate of First Class, Parvathipuram.

Date of Offence	:	16-12-2017 (prior to)
Date of report or Complaint	:	16-12-2017
Date of apprehension of accused	:	--
Date release on bail, if any	:	--
Date of commencement of trail	:	31-05-2019
Close of trial	:	24-02-2020
Date of sentence or other order	:	27-02-2020
Explanation of delay and remarks	:	The case underwent several adjournments, as the prosecution did not produce it witness.

Calendar and Judgment in C.C.No. 217/2018 on the file of Principal Junior Civil Judge-cum- Additional Judicial Magistrate of First Class, Parvathipuram.

Complainant : State represented by the Sub-Inspector of Police, komarada Police Station in Crime No. 132/2017 u/s 498-A, 494 R/W 34 of I.P.C.,

Name of the accused, Fat./Hus. name, Aged, Calling, Religion, Village and Mandal.

- A-1. Pinninti Appalareddi @ Suresh, S/o Suribabu, Aged 32 years, Reddika by caste, Gollalapalem Village, Bheemunipatnam Mandal, Visakhapatnam City.
- A-2. Pinninti Suribabu, S/o Appanna, Aged years, Door No.10-36-111/1, Reddika by caste, Bheemunipatnam, Visakhapatnam.
- A-3. Pinninti Simhachalam, W/o Suribabu, Aged years, Door No.10-36-111/1, Reddika by caste, Bheemunipatnam, Visakhapatnam.
- A-4. Nandika Apparao, S/o Guruvulu, Aged 40 years, Door No.3-17, Reddika by caste, Bheemunipatnam, Visakhapatnam.
- A-5. Nandika Lakshmi, W/o Apparao, Aged 34 years, Door No.3-17, Reddika by caste, Bheemunipatnam, Visakhapatnam.
-

Offence : Husband or relative of husband of a woman subjecting her to cruelty punishable under Section 498-A of IPC.

Marrying again during the life time of husband or wife punishable under Section 494 of IPC.

Acts done by several person in furtherance of their common Intention punishable under Section 34 of IPC.

Finding : **Not guilty**

Sentence : The A-1 to A-3 are found **not guilty** for the offence punishable under section 498-A of IPC; and A-1 is found **not guilty** for the offence punishable under Section 494 of IPC. Accordingly they are acquitted under 248 (1) of Cr.P.C. The A-4 and A-5 are already discharged as per order of this Court in Crl.M.P.No.109/2019 dated 10-04-2019. The accused shall execute bond for Rs. 10,000/- (Rupees Ten thousand only) each under Section 437-A Cr.P.C., to appear before the Appellate Court, if any appeal is filed.

Sd/- Ch. Madhu Babu
Principal Junior Civil Judge-cum-Judl.
Magistrate of First class, Parvathipuram

