

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION No.4583 OF 2019

ORDER:

This Criminal Petition is filed by the petitioner/A4 to quash the proceedings against her in CC.No.7191 of 2019 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. The offences alleged against the petitioner are under Sections 4 and 6 of the Dowry Prohibition Act and Section 498A of IPC.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the 1st respondent-State.

3. Briefly, the case of the 1st respondent/defacto complainant is that she was married to Accused No.1 on 19.04.2018 in accordance with Hindu customs. At the time of marriage Accused No.1 was working in USA. On demand made, 40 lakhs cash, 2 lakhs as 'Aadapadachu Lanchanam'(customary gift to the groom's sister), 100 Tulas of gold, silver worth Rs.35 lakhs was given at the time of marriage. An amount of Rs.30 lakhs was spent for performing the marriage. Immediately, after marriage on the day of 'vratham' A1 shouted at the 1st respondent and her father for additional dowry and diamond necklace. Thereafter, Accused No.1 and 1st respondent lived together at L.B.Nagar, Hyderabad. On the

very same day A3-mother-in-law took her jewellery. Eventually, A1 to A3 started harassing her and did not take proper care. Further A1 to A3 insisted for additional dowry of Rs.60 lakhs and ill-treated her for the reason of the parents of the 1st respondent not being able to arrange for the same. A1 went to USA on 07.05.2018, however on repeated requests, failed to make travel arrangements of the 1st respondent. She went to the house of Accused Nos.2 and 3. A2 and A3 started demanding for additional dowry and sent her out of the house asking her not to come back until the additional dowry demand was fulfilled. Thereafter, A1 to A3 were called for settlement, however, the conduct of A1 to A3 did not change, for the said reason a criminal complaint was filed.

4. On the basis of the said complaint, the Police investigated the case and filed charge sheet.

5. Learned Counsel appearing for the petitioner would submit that apart from the allegation that at the time of marriage, 'Aadapadachu Lanchanam' of Rs.2 lakhs was given, no other allegation is made against this petitioner. Further, the petitioner is a citizen of Australia and she never returned to India after the marriage. In support of her argument she also filed the Exit and Entry stamps on the passport.

6. On the other hand, it was argued on behalf of the respondents that at the time of marriage, Rs.2 lakhs was given which forms part of dowry and it is for the trial Court to decide the complicity or otherwise of the petitioner-A4.

7. In **Kahkashan Kausar @ Sonam and others v. State of Bihar**¹, the Hon'ble Supreme Court held that unless there are specific and distinct allegations against the accused, the proceedings can be quashed. Under Section 482 of Cr.P.C, the Court should be careful in proceeding against relatives who are roped in on the basis of vague and omnibus allegations.

8. The Hon'ble Supreme Court in the case of **Preeti Gupta v. State of Jharkhand**² held that the Courts have to scrutinize the allegations made with great care and circumspection, especially against husband's relatives who were living in different cities and rarely have visited or stayed with the couple.

¹ (2022) 6 SCC 599

² (2010) 7 SCC 667

9. In ***Mahalakshmi and others v. The State of Karnataka and another***³ in CrI.A.No.494 of 2023, dt.30.11.2023, the Honourable Supreme Court, under similar circumstances, quashed the proceedings.

10. As seen from the complaint, there is no allegation that this petitioner had at any point of time insisted for any money to be given.

11. As per proviso to Section 3 of the Dowry Prohibition Act, presents which are given on or on behalf of bride or any person related to the bride, which presents are of a customary nature and further the value thereof is not excessive having regard to the financial status of the person who presents, would not amount to dowry.

12. It is admitted that there is custom of giving money to the sisters of the bridegroom i.e. 'Aadapadachu Lanchanam'. Firstly, it is not stated by any of the witnesses that there was any kind of force or demand for the said amount of Rs.2 lakhs which was given as 'Aadapadachu Lanchanam' or that they did not have the

³ 2023 INSC 1050

capacity and it was not within their means to give the said customary present of Rs.2 lakhs.

13. Keeping in view that this petitioner was not in India at any point of time when the alleged incidents have taken place, this Court deems it appropriate to quash all further proceedings against the petitioner.

14. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner/A4 in CC.No.7191 of 2019 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, are hereby quashed.

Miscellaneous applications, if any, pending shall stand dismissed.

K.SURENDER, J

Dt.: 22.12.2023

Note: L.R copy to be marked
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THE HON'BLE SRI JUSTICE K.SURENDER

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