

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION No.6676 OF 2022

ORDER:

1. This Criminal Petition is filed to quash the proceedings against the petitioners/A2 to A4 in C.C.No.138 of 2022 on the file of Judicial First Class Magistrate at Armoor.

2. The 1st petitioner is the mother-in-law, 2nd petitioner is the father-in-law and 3rd petitioner is the sister-in-law of the 1st respondent, who is the wife of A1.

3. The case of the 1st respondent is that she married A1 on 07.02.2019. At the time of marriage, Rs.25.00 lakhs cash, 51 tulas of gold, 2 kgs silver and Rs.5.00 lakhs worth furniture were given as dowry. Rs.12.00 lakhs was spent for performing the marriage. On 22.02.2019, A1 left to Australia. At that time, she stayed with 1st and 2nd petitioners who are parents-in-law. The petitioners started asking for Rs.25.00 lakhs additional dowry to enable A1 to purchase a house in Australia. The additional dowry demand could not be met. However, on 16.10.2019, the 1st respondent went to Australia. In Australia, A1 sold the gold and silver given to her and set up business. By listening to these petitioners, A1 again started

harassing her for additional dowry. In a drunken condition, A1 used to burn the 1st respondent with cigarettes and threatened to kill her if amount of Rs.25.00 lakhs was not given. On 28.07.2021, she came back to Hyderabad and panchayat was held. However, there was no outcome in the panchayat and the petitioners did not stop demanding additional dowry. When it came to the knowledge of the 1st respondent that the 1st and 2nd petitioners were traveling to Australia on 12.11.2021 for permanently settling down in Australia, a complaint was lodged.

4. The Armour police, having registered the complaint investigated and filed charge sheet for the offences under Sections 498-A, 506 of IPC and Section 4 of Dowry Prohibition Act against eight persons.

5. Learned counsel appearing for the petitioners would submit that it was the 1st respondent, who was treating her husband and his parents, who are petitioners 1 and 2 cruelly, for which reason, A1 filed divorce petition on 10.11.2021, which was numbered as OP No.58 of 2021 on the file of Senior Civil Judge, at Nirmal. As a counter blast to the said divorce petition, the present criminal

complaint was filed on the very next day that is on 11.11.2021. The 3rd petitioner/A4 worked as a Software Engineer in Mumbai city from 2014 to 2016 and thereafter shifted to Bangalore and worked there from 2016 to 2020 and from there, she shifted to Hyderabad and was working for a company. At present, the 3rd petitioner is in Belgium country. The petitioners have been falsely implicated in the present case. It was the 1st respondent and her family members who had harassed A1 and these petitioners, for which reason, the 1st petitioner filed complaint before the SHO, Nirmal on 29.09.2021 and also to the Commissioner of Police, Nizamabad on 30.12.2021. However, without investigating the said complaint, the police had filed charge sheet against these petitioners. He relied on the judgment of Hon'ble Supreme Court in the case of **Geeta Mehrotra and another v. State of Uttar Pradesh and another** [(2012) 10 Supreme Court Cases 741] and **Kahkashan Kausar @ Sonam and others v. State of Bihar** [(2022) 6 Supreme Court Cases 599] and argued that these petitioners have been falsely implicated, which is evident from the fact of omnibus allegations of harassment that have been made against these petitioners.

6. On the other hand, Sri N.Srushman Reddy, learned counsel for the 1st respondent submits that the 1st and 2nd petitioners are parents-in-law, who are residents of Nizamabad. In fact, the 1st respondent stayed with her in-laws at Nizamabad and there are specific allegations of harassment and also demand for additional dowry made by these petitioners, for which reason, this petition for quashing should be dismissed.

7. Admittedly, A1 filed divorce application on 10.11.2021 alleging that the 1st respondent and her family members were harassing him and his family members and on the basis of the said harassment that was meted out by the 1st respondent, prayed for granting of divorce.

8. As seen from the complaint and Section 161 Cr.P.C statement, the allegation against these petitioners is that they have supported the demand of A1 for giving an amount of Rs.25.00 lakhs to enable A1 to purchase house/set up business. Except the said allegation that these petitioners have supported, there are no specific instances which are narrated as to how these petitioners were

complicit in harassing the 1st respondent or any demands that were made with the parents of the 1st respondent.

9. In **Kahkashan Kausar @ Sonam and others v. State of Bihar** [(2022) 6 Supreme Court Cases 599], 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.

10. The Hon'ble Supreme Court in the case of **Preeti Gupta v. State of Jharkhand** [(2010) 7 Supreme Court Cases 667] 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.

11. The Hon'ble Supreme Court has time and again held that prosecution against the relatives of the husband has to be considered with caution and unless there are specific instances or events that are narrated, such relatives of the husband cannot be prosecuted. The implication of the relatives should not be on the

basis of vague allegations stating that all of them had demanded additional dowry or harassed physically and mentally. Such bald allegations which are general in nature should not form basis for criminal prosecution.

12. In the present case, the allegation against petitioners is that immediately after marriage, there was demand for additional dowry and also after she came back from Australia, demand was made. Except stating that these petitioners were demanding for additional dowry, nothing specific is narrated, such allegation will not suffice to continue the criminal proceeding against these petitioners.

13. All the major allegations of harassment etc., are alleged to have been taken place in Australia. The 3rd petitioner had continuously stayed at different places in India including Bangalore and Hyderabad. A1 was resident of Nizamabad but staying in Australia. The 1st respondent and her parents are residents of Hyderabad and she had rarely stayed at her in-laws house at Nizamabad before proceeding to Australia. In the said back ground of differences between A1 and 1st respondent in Australia and A1 filing divorce petition on the ground of cruelty by the 1st respondent,

this Court deems it appropriate to quash the proceedings against these petitioners, both for the reasons of vagueness in the allegations and also in the back ground of differences between 1st respondent and A1 in Australia.

14. In the result, the proceedings against petitioners /A2 to A4 in C.C.No.138 of 2022 on the file of Judicial First Class Magistrate at Armour, are hereby quashed.

15. Accordingly, the Criminal Petition is allowed. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

K.SURENDER, J

Date:18.01.2023

Note:LR copy to be marked.

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kvs

