
(2006) 06 AP CK 0056

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 5702 of 2005

Atluri Ravindra and Others

APPELLANT

Vs

The State of A.P. and Another

RESPONDENT

Date of Decision : 28-06-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 498A

Citation : (2006) 2 ALD(Cri) 285 : (2006) 3 ALT(Cri) 82

Hon'ble Judges : G. Yethirajulu, J

Bench : Single Bench

Advocate : C. Praveen Kumar, for the Appellant; Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

G. Yethirajulu, J.—This Criminal Petition is filed u/s 482 of Cr.P.C. to quash the proceedings against A-4 to A-6 in C.C. No. 304 of 2005 on the file of the Additional Judicial First Class Magistrate, Kothapeta, registered for the offence u/s 498A read with 34 of I.P.C.

2. A-4 is the youngest brother of A-1 and according to the charge sheet, he was staying at Bangalore to pursue his education. A-5 is a married sister and A-6 is her husband. The charge sheet was filed against these petitioners alleging that they instigated by all ways and means and in pursuance of that A-1 harassed the defacto complainant for additional dowry. There is another allegation that in Vijayawada also A-1 to A-6 harassed the complainant both mentally and physically for the sake of additional dowry of Rs. 5,00,000/-. In the complaint given to the police, it was mentioned that A-5 and A-6 along with A-2 and A-3 started demanding to bring more dowry and to sell the property promised to be given by her parents. It is further mentioned that the complainant's in laws and her husband started harassing her mentally and physically to bring more dowry and necked out her from the house.

3. Except the above allegations, there were no specific overt acts as to whether the harassment was mentally or physically, if so what was the kind of harassment and when the harassment was caused etc. to rope up all the family members in this complaint.

4. In *Kans Raj Vs. State of Punjab and Others*, : the Supreme Court observed as follows:

For the fault of the husband, the in-laws or the other relations cannot, in all cases, be held to be involved in the demand of dowry. In cases where such accusation are made, the overt acts attributed to persons other than husband are required to be proved beyond reasonable doubt. By mere conjectures and implications such relations cannot be held guilty for the offence relating to dowry deaths. A tendency has, however, developed for roping in all relations of the in-laws of the deceased wives in the matters of dowry deaths which, if not discouraged, is likely to affect the case of the prosecution even against the real culprits. In their over enthusiasm and anxiety to seek conviction for maximum people, the parents of the deceased have been found to be making efforts for involving other relations which ultimately weaken the case of the prosecution even against the real accused as appears to have happened in the instant case.

5. In view of the above decision and in view of non-mentioning of any specific instances of harassment against the petitioners, I find no prima facie case to prosecute them.

6. In the result, the Criminal Petition is allowed. The prosecution against the petitioners, who are A-4 to A-6 in C.C. No. 304 of 2005, is quashed.