

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1159 OF 2019

Between:

1. Madasu Laxmi, W/o. Rajaiah R/o. Flat No. 22, Saidharani Apartments Satyanarayana Colony, Nagaram, Hyderabad.
2. Madasu Prabhakar, S/o. Rajaiah Occ. Business R/o. Gaddivanipalli H/o. Tekurthy Village Jammikunta Mandal, Karimnagar District.
3. Madasu Ramesh, S/o. Rajaiah Occ. Govt. Servant R/o. Flat No. 22, Saidharani Apartments Satyanarayana Colony, Nagaram, Hyderabad.
4. Madasu Harikrishna @ Hari Kishan, S/o. Rajaiah Occ. Govt. Servant R/o. Flat No. 302, Sai Krupa Aradhana Apartments Goutham Nagar, Malkajgiri, Secunderabad.
5. Madasu Santhosh Kumar, S/o. Rajaiah Occ. Student R/o. H.No.3-11-56/A, Gokhale Nagar Ramanthapur, Hyderabad.

...Petitioner/Accused Nos.2 to 6

AND

1. Madasu Suhasini, W/o. Mahender C/o. Chakinala Devaiah H.No. 3-13/1, Gumpula Village Odela Mandal, Karimnagar District.
2. The State of Telangana, rep. by its Public Prosecutor High Court at Hyderabad.

...Respondents

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in CC.No. 4 of 2016 on the file of the Judicial Magistrate of First Class at Sultanabad, Peddapalli District (Cr.No.25/2013 of Pothakapalli Police Station), pending disposal of the above criminal petition.

I.A. NO: 1 OF 2019

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings including appearance of the

petitioner in CC.No. 4 of 2016 on the file of the Judicial Magistrate of First Class at Sultanabad, Peddapalli District, pending disposal of the above criminal petition.

I.A. NO: 2 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to extend the interim stay order dated: 01/04/2019 in IA No.1 of 2019 in Crl.P.No.1159 of 2019 until further order.

I.A. NO: 3 OF 2021

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to extend the interim stay order dated 01.04.2019 in I.A.No.01 of 2019 in CRLP.No.1159 of 2019 until further orders by this High Court, pending disposal of the above criminal petition.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to extend the interim order dated: 01/04/2019 in IA No.1/2019 in Crl.P. No.1159/2019 until further orders by this High Court, pending of the above Criminal Petition.

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to extend the interim stay order dated: 01.04.2019 in I.A.No: 01 of 2019 in CRL.P.No: 1159 of 2019 until further orders by this High Court, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C DAMODAR REDDY, Advocate for the Petitioner, Public Prosecutor, on behalf of the Respondent No.2, and None appeared for the Respondent No.2

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 1159 of 2019

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C), is filed by the petitioners/A2 to A6 seeking to quash the proceedings in C.C.No.4 of 2016 on the file of Judicial Magistrate of First Class, Sultanabad, Peddapalli District. The offences alleged against the petitioners are punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard. Perused the record.

3. Respondent No.1 filed a complaint against the petitioners and A1 alleging commission of offences under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. On the basis of the said complaint, police registered FIR in the year 2013 and thereafter, filed charge sheet. In the said charge sheet, the names of the petitioners were deleted since no offences were made out against them during investigation. Therefore, respondent No.1 filed protest petition *vide* Crl.M.P.No.647 of 2014 before the Court below. The learned Magistrate, having examined the *de facto* complainant and two others, has taken cognizance of the offences under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act against the petitioners and issued summons by order, dated 22.01.2016.

Questioning the said summoning of the petitioners to face trial for the said offences, the present Criminal Petition is filed.

4. As seen from the evidence of the *de facto* complainant, who was examined as P.W.1 on 16.10.2015, it is alleged that the petitioners are relatives of A1-husband. At the time of marriage, on demand, Rs.2.00 lakhs of cash, Rs.1.00 lakh of gold and Rs.1,50,000/- of house hold articles were given to the accused, but all the accused demanded Rs.6.00 lakhs towards additional dowry. The *de facto* complainant and A1 lived happily for a period of three months and the *de facto* complainant conceived. Till the delivery of boy, there were disputes between them. However, she never informed to anyone. A1-husband humiliated her during pregnancy and also tortured her. It is also alleged that the petitioners used to instigate A1 to harass the *de facto* complainant. A1 used to harass her at the instance of the petitioners. In the year 2011, the petitioners attended a function in the family and provoked A1 to send the *de facto* complainant back to her parents' house and stated that if he married another girl, he would get more dowry. They also uttered that if only she brings more dowry, she can stay with A1, failing which she has to go her parents' house and commit suicide. Vexed with the attitude of the petitioners and A1-husband, the *de facto* complainant tried to commit suicide.

5. In the entire statement of the *de facto* complainant, except stating that the petitioners were instigating A1, no other instances have been narrated. Admittedly, all the petitioners are staying at different places. The *de facto* complainant was staying with A1. The only allegation is that the petitioners are instigating and provoking A1 by making phone calls.

6. All the said allegations against the petitioners are vague and omnibus in nature. Except stating that the petitioners are instigating A1, no specific allegations are attributed against the petitioners. The Hon'ble Supreme Court in **Kahkashan Kausar @ Sonam and others v. State of Bihar**¹, 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. The Hon'ble Supreme Court in **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 visit or stay with the couple. When there are no specific allegations against the petitioners, this Court deems it appropriate to quash all further proceedings in C.C.No.4 of 2016 on the file of

¹(2022) 6 SCC 599

²(2010) 7 SCC 667

Judicial Magistrate of First Class, Sultanabad, Peddapalli District, against the petitioners.

7. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners in C.C.No.4 of 2016 on the file of Judicial Magistrate of First Class, Sultanabad, Peddapalli District, are hereby quashed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Sd/-L.SIVA PARVATHI,
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Sultanabad, Peddapalli District.
2. The Station House Officer, Pothakapalli Police Station, Karimnagar District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. C DAMODAR REDDY, Advocate [OPUC]
5. Two CD Copies

sp



HIGH COURT

DATED: 29/09/2023

ORDER

CRLP.No.1159 of 2019



ALLOWING THE CRIMINAL PETITION

②
m/s
28/11/23