

Telangana High Court
CRIMINAL PETITION No.10634 of 2023
Bench: JUSTICE G. ANUPAMA CHAKRAVARTHY

Date of Decision: 20.10.2023

Devarapalli Devendra Babu and OthersPetitioners

Versus

The State Of Telangana and OthersRespondents

Sections, Acts, and Rules Mentioned:

Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.)

Sections 498-A, 323, 506, 509, 342, 420, and 406 of the Indian Penal Code

Sections 3 and 4 of the Dowry Prohibition Act, 1961

Section 3(1)(r)(s) and Section 3(2)(va) of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act

Subject: Petition to quash FIR alleging dowry demands, physical and mental harassment, and caste-based discrimination.

Headnotes:

Criminal Procedure – Quashing of FIR – Petition under Section 482 of Cr.P.C to quash FIR filed against multiple accused, including Judicial Officers, for alleged offences under IPC and other special laws – Court opts for continuity in investigation but prevents arrest of petitioners. [Para 1, 11]

Judicial Officers Involved – Special scrutiny owing to involvement of Judicial Officers among the accused and the complainant – Petitioners contend false implication and lack of specific allegations. [Para 3, 6, 10]

Dowry & Caste-based Offences – FIR includes charges under Dowry Prohibition Act and Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act – Allegations of harassment for additional dowry and caste-based insults. [Para 4-5]

Timeline of Complaint – Noted delay of eight months in filing of the complaint against the petitioners – Respondent No.2 left the matrimonial house in February 2023, and the complaint was filed in October 2023. [Para 7, 8]

Delay in Filing – Consideration of delay as a factor, especially when both the complainant and one of the accused are Judicial Officers – Court views that a delay cannot be excused in this case. [Para 8, 10]

Final Decision – Court disposes of the petition, directing the Investigating Officer to continue the investigation but prevents the arrest of the petitioners for the alleged offences. [Para 11-12]

Referred Cases: None.

Representing Advocates:

Sri Vivek Reddy learned Senior Counsel appearing for Sri K. Pratik Reddy, for the petitioners.

Sri S. Ganesh learned Assistant Public Prosecutor for respondent No.1 – State.

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners/accused Nos.1 to 8 to quash the proceedings against them in FIR No.1517 of 2023, on the file of L.B.Nagar Police Station, Hyderabad, registered for the offences under Sections 498-A, 323, 506, 509, 342,420 and 406 of the Indian Penal Code, Sections 3 and 4 of Dowry Prohibition Act, 1961 and Section 3(1)(r)(s) and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act.

2. Heard Sri Vivek Reddy, learned Senior Counsel appearing for Sri K. Pratik Reddy, the learned counsel for the petitioners and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State. Perused the record.
3. The respondent No.2, who is a Judicial Officer, has filed the present complaint against her husband – petitioner No.1, who is also a Judicial Officer, by implicating one more Judicial Officer i.e., petitioner No.5, who is the husband of accused No.4 and brother-in-law of accused No.1. Petitioner No.2 is the Court Officer in High Court for the State of Andhra Pradesh, father of accused No.1, petitioner No.3 is the mother of accused No.1, petitioner No.4, who is sister of accused No.1, is also working as Stenographer in the High Court for the State of Telangana, petitioner Nos.6 and 7 are paternal uncle and aunt of accused No.1. Petitioner No.8 is the maternal aunt of accused No.1.
4. Respondent No.2 filed the complaint against the petitioners alleging that petitioner No.1 got married to her on 12.08.2022 and since then she is

residing at L.B.Nagar. After fourteen months of their married life, the present complaint has been filed on 19.10.2023. It is alleged that petitioner No.1 insulted and abused her in public on the name of her caste, which attracts the offence punishable under Section 3(2)(va) of Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act and that the other petitioners have also harassed her physically and mentally and demanded for additional dowry.

5. Basing on the said complaint, a case was registered in Crime No.1517 of 2023, on the file of L.B. Nagar Police Station, against petitioners for the alleged offences under Sections 498-A, 323, 506, 509, 342, 420 and 406 of the Indian Penal Code, Sections 3 and 4 of Dowry Prohibition Act, 1961 and Section 3(1)(r)(s) and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act.
6. It is the specific contention of the learned Senior Counsel appearing for the petitioners that petitioner No.5, is brother-in-law of accused No.1, is also a Judicial Officer, and he was undergoing training during the period of alleged incident. But, he was falsely implicated in the case. Learned Senior Counsel further contended that there were no specific allegations made against the petitioners for the above said offences and therefore, prayed to quash the proceedings in FIR No.1517 of 2023.
7. On a perusal of the said complaint, it is evident that it was given on 19.10.2023 and the alleged incident took place prior to eight months. All the allegations are made against the petitioners from the date of marriage till February, 2023, and respondent No.2 left the matrimonial house of petitioner No.1 in the month of February, 2023. The alleged incidents which are specifically narrated and the dates were given upto year 2022.
8. It is also the specific contention of the learned Senior Counsel for the petitioners that the mother of respondent No.2 is also working as Senior Civil Judge and they both colluded together and have lodged the present complaint and that even as per the contents of the complaint, respondent No.2 was residing separately since 19.02.2023 and there is delay of eight months in filing the complaint.

9. On the other hand, learned Assistant Public Prosecutor vehemently opposed for quashing of FIR contending that complaint dated 19.10.2023 is of six pages which has sufficient material to be investigated into.
10. On perusal of the record, it is evident two of the petitioners i.e., accused No.1 and accused No.5 are working as Judicial Officers, two other petitioners i.e., accused Nos.2 and 4 are working as employees under the High Court of Andhra Pradesh and High Court of Telangana respectively. Furthermore, the record reveals that petitioner No.1 and respondent No.2 being the Judicial Officers resided separately and the other petitioners did not share the house hold of them. Further, the allegations in the complaint disclose that respondent No.2 was abused on the name of her caste by the petitioners. Further, the contents of the complaint itself disclose that there is a delay of eight months in preferring the complaint. The second respondent is not a layman but a Judicial Officer and cannot take lame excuse for the delay in filing the complaint. Therefore, this Court is of the considered view that the Investigating Officer shall continue the investigation and shall file appropriate report before the concerned Court, but shall not arrest the petitioners herein.
11. With the above said observations, this Criminal Petition is disposed of directing the Investigating Officer not to arrest the petitioners in connection with Crime No.1517 of 2023 on the file of L.B. Nagar Police Station, for the alleged offences punishable under Sections 498-A, 323, 506, 509, 342, 420 and 406 of the Indian Penal Code, Sections 3 and 4 of Dowry Prohibition Act, 1961 and Section 3(1)(r)(s) and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act.
12. In the result, the Criminal Petition is disposed of.

Miscellaneous Petitions, pending if any, shall stand



closed.

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