

**HON'BLE SRI JUSTICE K. SREENIVASA REDDY**

**Criminal Petition No.889 of 2023**

**Order:**

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioner/accused to quash the proceedings in C.C.No.141 of 2020 on the file of the learned Additional Junior Civil Judge, Piler, Chittoor District.

2. A charge sheet has been filed against the petitioner for the offences punishable under Sections 498-A and 506 IPC.

3. Case of the prosecution, in brief, is that marriage of the defacto-complainant was performed with the accused about six years ago and their marriage was a love marriage. Out of their wedlock, they were blessed with one child by name Sashank. Subsequently, the accused started harassing her both mentally and physically suspecting her character. Due to said harassment, she went to her maternal home and started staying there. Despite of several mediations held, there is no change in the attitude of the accused. On 22.01.2020 at about 10.00 a.m., while the complainant was present at her maternal home at Cheruvumundarapalli, the accused went there with knife,

picked up quarrel with the defacto complainant and her parents and threatened them to kill.

4. Learned counsel for the petitioner submitted that even accepting the entire accusations to be true, still the specific ingredients of the alleged offences are not made out against the petitioner herein. The accusations that have been made are very vague and would not in any way constitute the offence under Section 498-A and 506 IPC.

5. Learned Assistant Public Prosecutor, on the contrary, submitted that Section 161 Cr.P.C. statement made by the defacto complainant, which forms the integral part of charge sheet, goes to show that there are accusations as against the petitioner herein that he physically and mentally harassed the defacto complainant.

6. Heard. Perused the material on record.

7. Marriage of the defacto complainant and the petitioner herein was an inter-caste marriage. After marriage, they started marital life at Talapalapalli Village in Puthalapattu Mandal and lived happily for a period of six months. Out of their wedlock, they begot one male child by name Sashank. Later, they shifted their family to Bangalore on the pretext of job. Thereafter, the

petitioner started suspecting the character of the defacto complainant and used to quarrel with her and harassed her mentally. About one year back, the defacto complainant went to her maternal home along with her son. Parents of the defacto complainant confronted her and sent her back to lead marital life. Even then, the petitioner used to harass her. Thereafter, the matter was referred to police and police also gave counseling to both of them and pacified the issue. Keeping that in mind, the petitioner herein used to abuse the defacto complainant in filthy language and used to harass her. Unable to bear the harassment, again the defacto complainant went to her parents house. On 21.01.2022, while the defacto complainant was sleeping, the petitioner herein tried to kill her. When she raised hue and cries, the neighbours approached and snatched weapon from the petitioner. Thereafter, a case has been registered against her for the above said offences.

8. A perusal of the Section 161 Cr.P.C., statements and relevant material on record goes to show that there are specific accusations made as against the petitioner. Truth or otherwise of the same can be decided only during the course of trial. It is

premature for this Court to conduct a roving enquiry into the disputed questions of fact in a petition filed under Section 482 Cr.P.C., and quash the proceedings.

9. In view of the aforesaid facts and circumstances of the case, this Court is not inclined to interfere with the proceedings, and accordingly, the Criminal Petition is dismissed.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

**K. SREENIVASA REDDY, J**

06.02.2023  
ARB

**HON'BLE SRI JUSTICE K. SREENIVASA REDDY**

**Criminal Petition No.889 of 2023**

Dated:06.02.2023

ARB