

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6496 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/accused Nos.2 and 3 in C.C.No.148 of 2014 on the file of the Court of the I Additional J.F.C.Magistrate, Khammam.

2 Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor appearing for the State.

3 A perusal of the record reveals that petitioners are accused Nos.2 and 3 and the first respondent is the de-facto complainant. A perusal of the record reveals that the first respondent lodged a complaint against the petitioners herein and the first accused in the case with the Station House Officer, Women Police Station, Khammam, who in turn registered a case in Cr.No.3 of 2014 for the offences punishable under Sections 498-A, 506 of IPC and Sections 3, 4 and 5 of the Dowry Prohibition Act. After completion of investigation, the investigating officer laid charge sheet against the petitioners and the first accused for the offences punishable under Sections 498-A, 506 of IPC and Sections 3, 4 and 5 of the Dowry Prohibition Act. The learned Magistrate, basing on the material placed before him, has taken cognizance of the offences against the petitioners and the first accused for the offences punishable under Sections 498-A, 506 of IPC and Sections 3, 4 and 5 of the Dowry Prohibition Act.

4 The predominant contention of the learned counsel for the petitioners is that the allegations made in the charge sheet, prima facie, do not constitute the offences alleged to have been committed by the petitioners / A.2 and A.3.

5 I have carefully perused the allegations made in the charge sheet. A perusal of the charge sheet, prima facie, reveals that there are grounds more so valid grounds to proceed further against the petitioners. The trial Court has considered the material available on record in right perspective and has taken cognizance of the offences under sections 498-A, 506 of IPC and Sections 3, 4 and 5 of the Dowry Prohibition Act against the petitioners. Neither the investigating officer nor the learned Magistrate has committed any irregularity

or illegality so as to quash the proceedings in C.C.No.148 of 2014.

6 It is a settled principle of law that the Court can quash the proceedings in rarest of rare cases. The material available on record is, prima facie, sufficient to proceed further against the petitioners / A.2 and A.3. In **Madhu Limaye Vs. State of Maharashtra** the Hon'ble Supreme Court held as under:

“At the outset the following principles may be noticed in relation to the exercise of inherent power of the High Court, which have been followed ordinarily and generally, almost invariably, barring a few exceptions.

1. That the power is not to be resorted to if there is a specific provision in the Code for the redress of the grievance of the aggrieved party;
2. That it should be exercised very sparingly to prevent abuse of process of any Court or otherwise to secure the ends of justice;
3. That it should not be exercised as against the express bar of law engrafted in any other provision of the Code.”

7 Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the view that this is not a fit case to quash the proceedings at this point of time.

8 At the time of arguments, the learned counsel for the petitioners submitted that the petitioners are facing much difficulty to attend the Court on each and every adjournment. Even if the presence of the petitioners is dispensed with no prejudice will be caused to the first respondent, who is the de-facto complainant. There is no dispute with regard to the identity of the parties. Having regard to the facts and circumstances of the case, I am inclined to dispense with the presence of the petitioners, who are accused Nos.2 and 3 on each and every date of adjournment before the trial Court.

9 In the result, the Criminal Petition is dismissed. However, the presence of the petitioners who are accused Nos.2 and 3 in C.C.No.148 of 2014 on the file of the Court of the I Additional Judicial First Class Magistrate, Khammam is dispensed with on each and every date of adjournment. But they shall appear before the trial Court as and when their presence is so required. As a sequel, the miscellaneous petitions, pending in this Criminal Petition, if any, shall stand

closed.

T. SUNIL CHOWDARY, J

Date: 17th November, 2015

Kvsn