

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No. 3529 of 2015

Order:

The instant petition is filed by the petitioners, who are arraigned as A-2 to A-4, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), requesting to quash the proceedings in Calendar Case No.931 of 2013 on the file of the learned Judicial Magistrate of First Class, Thorrur, Warangal District, for the offences punishable under Sections 498-A, 447, 323, 506, 290 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The facts that can be gathered from the copy of charge sheet filed in the material papers along with the FIR and complaint laid under Section 156(3) Cr.P.C., by the second respondent herein, that the marriage of the second respondent – complainant took place with the first accused, whose mother, sister and brother-in-law are the petitioners herein respectively, on 11.06.2003, and at the time of marriage, it is alleged that Rs.1,00,000/- towards dowry was paid besides presenting gold and silver ornaments and other household articles. The second respondent – complainant also gave birth to a female child and, thereafter, it is alleged that the petitioners herein along with the first accused started ill-treating her demanding her to bring additional dowry of Rs.1,00,000/-. Certain other instances have been mentioned in the charge sheet.

3. Heard both sides.

4. Learned counsel for the petitioners submits that there are no specific allegations against the petitioners herein and only basing on omnibus allegations the crime was registered and cognizance for the offences was taken by the learned Magistrate and, therefore, sought to quash the proceedings in the Calendar Case so far as the petitioners herein are concerned.

5. Learned Assistant Public Prosecutor opposed the request.

6. Perused the charge sheet, FIR and copy of the complaint filed by the second respondent - complainant. There are certain allegations against the petitioners also in the direction of causing harassment to the complainant in demanding her to pay additional amount of Rs.1,00,000/-. In such an event, the extraordinary jurisdiction of this Court under Section 482 Cr.P.C cannot be invoked, where there is no abuse of process of law can be gathered from the material placed on record.

7. The Calendar Case is coming up for trial as per the submission of the learned counsel for the petitioners and it is posted to 18.05.2015. The learned counsel urges to dispense with the presence of the petitioners during the trial on the ground that the first petitioner is 62 years old and the petitioners 2 and 3 are residents of Hanmakonda, Warangal District.

8. Keeping in view, that the first petitioner is a retired employee and a pensioner and resident of Bodhan, Nizamabad District and the petitioners 2 and 3 being the sister and brother-in-law of the first accused, their appearance is dispensed with during the pendency of the proceedings in the above Calendar Case, however, observing that the learned counsel for the petitioners before the trial Court shall file petitions under Section 317 Cr.P.C and they shall appear as and when directed by the learned Magistrate.

9. With the above direction, the Criminal Petition is dismissed.

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

A. SHANKAR NARAYANA, J

Date: 23.04.2015

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