

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION Nos.15202 of 2013 & 804 of 2015

-
COMMON ORDER:

-
By invoking the provision under Section 482 Cr.P.C., A.2 to A.4 filed CrI.P.No.15202 of 2013 and A.1 filed CrI.P.No.804 of 2015 seeking to quash the proceedings in C.C.No.157 of 2012 pending on the file of Judicial Magistrate of First Class (Special Mobile) at Khammam for the offences under Sections 498-A, 323, 294(b) & 506 IPC and Sections 3 & 4 of Dowry Prohibition Act r/w Section 34 IPC.

The de facto complainant-second respondent herein is the wife of A.1. A.2 & A.3 are the parents and A.4 is the brother of A.1. The marriage of de facto complainant took place with A.1 on 1.6.2005. Thereafter for some time, they lead happy marital life. Due to the misunderstandings, the de facto complainant filed a complaint under Section 200 Cr.P.C. before the Magistrate, Khammam on 19.4.2010 alleging the offences under Sections 498-A, 323, 294(b) & 506 IPC and Sections 3 & 4 of Dowry Prohibition Act r/w Section 34 IPC. The learned Magistrate referred the matter to the police under Section 156(3) Cr.P.C. for investigation and report and after conducting investigation, police filed the charge sheet against the petitioners for the said offences and cognizance of the offence was taken on file by the Magistrate.

The main contention of the learned counsel for the petitioners is that as far as the petitioners-A.2 to A.4 are concerned, no specific allegations are alleged so as to attract an offence under Section 498-A IPC and the allegations made by the second respondents are general in nature. One of the allegations is that the petitioners-A.2 to A.4 went to the house of the parents of the de facto complainant along with A.1, quarrelled

with the parents of the complainant. It is submitted that petitioner No.3 is working as accountant in a firm at Gwalior, Madhya Pradesh State and that they are living separately and they are unnecessarily implicated in the crime.

Heard and perused the material available on record.

This Court gone through the allegations levelled against the petitioners herein. As rightly pointed out by the learned counsel for the petitioners, the allegations made against the petitioners are vague in nature. But at the same time, some of the allegations are specific in nature. Whether or not the said allegations would attract an offence under Section 498-A IPC or any other provision is a matter to be decided only by the trial Court after full fledged trial. Hence this Court is not inclined to interfere with the proceedings in the said C.C. However, taking into consideration the fact that the petitioners identity is not in question before the trial Court, their presence before the trial court is dispensed with except on the dates so insisted by the trial Court. The trial Court is directed to complete the trial and dispose of the C.C. within a period of three months from the date of receipt of a copy of this order.

With the above directions, both the petitions are disposed of.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

21.07.2015

Tsr