

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 2663 of 2010

ORDER:

-

This petition is filed under Section 482 Cr.P.C. seeking to quash all further proceedings against the petitioner/A.6 in C.C.No. 499 of 2009 on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 498-A read with 34 IPC and Sections 4 and 6 of the Dowry Prohibition Act.

Accused 1 to 5 are husband, mother-in-law, father-in-law and sisters-in-law of the defacto-complainant, whereas the petitioner-A6 is the husband of Vani, who is A.4.

The narration of the facts in brief is that after the marriage of the defacto-complainant with A.1, they lived happily for some time and thereafter the defacto-complainant/second respondent herein was subjected to harassment by the accused demanding additional dowry. So many allegations are levelled against the accused in the complaint. The specific allegation is that along with A1 to A.4, A.4/Vani and her husband/A.6, petitioner herein used to harass and beat her demanding to bring gold, silver ornaments and additional dowry of Rs.5,00,000/-.

The learned Counsel for the petitioner/A.6 submits that the allegations are vague and verifiable. He also taken me through the proceedings in M.C. case Whereunder the defacto-complainant admits herself that no dowry was paid and as a matter of fact she herself filed a case under Section 498-A

against her husband only to make him to join her, but not to harass him.

At this stage, in order to consider whether any case is made out to quash the proceedings against the petitioner/A.6, what is required to be seen is, whether the complainant has made out prima facie case or allegations in specific against the accused. Having gone through the material available on record, it is manifestly clear that specific allegations are levelled against the petitioner/A.6, and therefore in my considered opinion, continuation of the proceedings against the petitioner/A.6 cannot be said to be abuse of process of law and amounts to travesty of justice.

In view of the same, the Criminal Petition is dismissed. However, during the course of trial, the presence of the petitioner/A.6 should not be insisted unless and until his presence is specifically requires by the Court below.

JUSTICE M.S.K. JAISWAL

Dated 03.09.2015.
Msnr_x