

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.8086 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.2163 of 2014 on the file of Additional Judicial Magistrate of the First Class, Karimnagar which was outcome of Crime No.150 of 2014 of Woman Police Station, Karimnagar registered at the instance of the 2nd respondent for the offences punishable under Sections 498-A, 506 I.P.C and Section 4 of the Dowry Prohibition Act.

2) Heard the learned counsel for the petitioner/accused and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) The above C.C. taken cognizance for the offences supra by the learned Magistrate for the allegations of harassment including to meet additional dowry. A perusal of the F.I.R, makes out the ingredients of the offence. The police after investigation, filed the final report on 04.12.2014, after examination of six witnesses including the defacto-complainant and of the three neighbours besides brother and sister of the defacto-complainant. It is the contention of the learned counsel for the petitioner that already he

reported against the defacto-complainant for her illicit relationship with one Mustafa, R.M.P. doctor of Ramagundam, continuing since long time of Crime No.241 of 2014, dated 04.11.2014 registered for the offence punishable under Section 497 and 506 I.P.C that is pending and their minor son is the witness to the occurrence in proof as mentioned in the very report against his wife and said Mustafa. It is the said submission that the 2nd respondent/defacto-complainant also filed D.V.C. No.115 of 2014 for maintenance and same is also pending.

4) In fact, the material falls short for this Court to admit the application to quash the C.C. proceedings, hence disposed of giving liberty to the petitioner to file application before the trial Court under Section 239 Cr.P.C for discharge, if there are no grounds to frame charge under Section 240 Cr.P.C for the learned Magistrate to decide from the prosecution material by following the expression of the apex Court in ***State of Orissa V. Debendranath Padhi***^[1]. As the petitioner claims that he is a public servant, Head Constable, working in Adilabad and the case is pending in Karimnagar and it is difficult for him to attend the Court for adjournments sacrificing his official duties at far of place, he is given liberty to file an application under Section 205 Cr.P.C before the learned Magistrate to represent through special vakalat holder and the learned Magistrate after hearing shall permit with necessary conditions of personal appearance as and when required. Further remedies, if

any, to the petitioner are left open after framing of charge under Section 240 Cr.P.C.

5) With the above observations, the petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.21st September, 2015
KSH

[\[1\]](#) (2005)1 SCC 568