

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Crl.P.No.3508 of 2015

ORDER

The instant criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the proceedings in C.C.No.382 of 2011 on the file of Judicial First Class Magistrate, Jangaon, for the offences punishable under Sections 498-A and 107 IPC and under Sections 3 and 4 of Dowry Prohibition Act.

2. The facts would reveal as per the complaint of the second respondent, that her husband, who is A1, and the petitioners herein, who are A2 to A5 respectively, started subjecting her to harassment by making demand for payment of additional dowry, though their marriage was a love marriage. When the alleged harassment went unabated, she was constrained to prefer the complaint. The learned Magistrate has taken cognizance for the aforesaid offences against all the accused.

3. Heard both sides and perused the material on record.

4. Leaned counsel for the petitioners fairly submits that the trial has been commenced and it is at the stage of cross-examining the complainant, who is shown as L.W.1 in the charge sheet.

5. Even, the xerox copy of charge sheet, shows that P.W.1 was examined on 09.07.2014, indicates that the trial has been commenced. No other material is placed before this Court for perusal in support of the request of the petitioners to arrive at the conclusion that the present complaint is an abuse of process of law. On the other hand, the complaint alleged certain allegations against the petitioners herein as to their complicity in the commission of offences levelled against them. Therefore, it is not a fit case to invoke the extraordinary jurisdiction of this Court under Section 482 of the Code and there is no abuse of process of law. Hence, the Criminal Petition is dismissed.

6. Learned counsel for the petitioners urges that the appearance of petitioners-A2 to A5 be dispensed with during the pendency of the proceedings before the trial Court on the ground that the 3rd petitioner is a Government employee and

the 4th petitioner is a student prosecuting his Post-graduation and it amounts to hardship for them to attend the Court.

7. Keeping in view, the said representation, it is desirable to dispense with the presence of petitioners 3 and 4, namely Manchala Sridevi and Manchala Upender, who are A4 and A5 respectively, during the pendency of proceedings in the Calendar Case. However, they shall appear before the learned Magistrate as and when required.

8. With the above observation, the Criminal Petition is dismissed.

9. As a sequel thereto, miscellaneous petitions, if any, pending in this criminal petition shall stand dismissed.

A. SHANKAR NARAYANA, J

23rd April, 2015

sj