

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2608 of 2015

ORDER:

This 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.113 of 2013 on the file of Judicial Magistrate of First Class, Nagari, Chittoor District.

2. The petitioners are arraigned as accused Nos.2 to 5, who are mother, father, maternal uncle and sister of accused No.1 on the complaint of the 2nd respondent herein and the investigation was initiated and the police laid charge sheet against all the accused for the offences punishable under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. The facts would reveal that the 2nd respondent was married to accused No.1 and there are specific allegations in the complaint, which were produced in the charge sheet that accused No.1 along with his mother, who is shown as accused No.2, and his father, who is shown as accused No.3, and his maternal uncle and sister, who are shown as accused Nos.4 and 5, respectively, subjected her (2nd respondent herein) to harassment by demanding additional dowry of Rs.5,00,000/-, besides a house site and car from her parents. The investigating officer has conducted investigation and laid charge sheet in the said Court. Cognizance was also taken for the offences alleged.

4. Heard Sri P.Jagadishchandra Prasad, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State.

5. During the course of arguments, learned counsel for the petitioners submits that he is confining the request herein concerning 4th petitioner-accused No.5 alone,

who is sister of accused No.1, and giving up the request so far as other petitioners are concerned.

6. Learned Public Prosecutor brought to the notice of this Court that in fact the trial was commenced and P.W.1 was examined, and, therefore, it is not a fit case to quash the proceedings.

7. Perused the complaint and the charge sheet. Admittedly, no other material is placed, that being the evidence collected by the investigating officer during the course of investigation. This apart, there are specific allegations against the petitioners herein and even when the trial has commenced by examining P.W.1, it cannot be construed that continuation of proceedings amounts to abuse of process of law to invoke the extraordinary jurisdiction of this Court under Section 482 of the Code.

8. Hence, the criminal petition is dismissed.

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

A. SHANKAR NARAYANA, J

15th April, 2015

