

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2989 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioners, who are arraigned as accused Nos.2 and 3 in P.R.C.No.10 of 2014 on the file of III Additional Chief Metropolitan Magistrate, Gajuwaka, Visakhapatnam, requesting to quash the proceedings therein against them. The offences alleged against the petitioners-accused Nos.2 and 3 and other accused are punishable under Sections 417, 420 and 376 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The facts would reveal that accused No.1-Pinninti Eswararao is the son of the 1st petitioner, who is arraigned as accused No.2-Pinninti Appala Narasamma, and the 2nd petitioner is his brother, who is arraigned as accused No.3-Pinninti Venu Gopalarao. It is alleged that the 2nd respondent is resident of Relli veedhi, Kakaralova, Gandhigram, Visakhapatnam, residing along with her father and the accused No.1 is residing in the side portion of their house. Somehow, the accused No.1 alleged to have impressed upon the 2nd respondent-complainant with a mala fide intention to quench his sexual lust that he would marry her, and, thus, developed illicit intimacy and the 2nd respondent-complainant having believed his words, submitted herself to him and the accused No.1 refused to marry her on her request and even the elders' mediation was held but proved abortive. The petitioners herein, who are the mother and younger brother of accused No.1, along with accused No.1 demanded Rs.5,00,000/- as dowry to take the 2nd respondent-complainant as daughter-in-law by the 1st petitioner-accused No.2, and, thus, the specific allegation has been as to the demand of dowry.

3. Heard both sides.

4. Irrespective of the fact whether demand was made or not when a clear allegation is made against the petitioners herein and when it is at P.R.C. stage, the power under Section 482 of the Code to invoke extraordinary jurisdiction to quash the proceedings does not arise, as there is absolutely no abuse of process of Court as seen from the material on record.

5. Therefore, the criminal petition is dismissed.

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

A. SHANKAR NARAYANA, J

20th April, 2015

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