

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2635 of 2015

ORDER:

This petition is laid under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C.No.332 of 2013 on the file of V Additional Judicial Magistrate of First Class, Nellore, SPSR Nellore District, wherein the offences punishable under Sections 498-A and 406 I.P.C. and also Sections 3 and 4 of the Dowry Prohibition Act, 1961, are levelled against the petitioners, who are arraigned as accused Nos.2 and 3.

2. The facts in brief are that a private complaint was laid by the 2nd respondent herein and under Section 156(3) Cr.P.C., it was referred to the concerned Station House Officer, who investigated into the allegations of demand for additional dowry and the harassment said to have meted out to the 2nd respondent by the accused and filed charge sheet alleging the aforesaid offences against accused No.1 and the petitioners/accused Nos.2 and 3.

3. Sri Kandati Venkata Suredy, learned counsel for the petitioners/accused Nos.2 and 3 submits that there are no allegations against the petitioners herein in the direction of proving their complicity for commission of offence.

4. On perusal of the complaint, it is clear that the petitioners herein are also alleged to have taken part in subjecting the 2nd respondent to harassment. The detailed overt acts of petitioners/accused Nos.2 and 3 are when finding place, it is not a fit case to quash the proceedings in the said calendar case by invoking extraordinary jurisdiction by this Court under Section 482 Cr.P.C.

5. Therefore, the criminal petition is dismissed.

6. Learned counsel for the petitioners submits that in view of the old age, the appearance of the petitioners before the Magistrate may be dispensed with. It is true, the age of the petitioners is shown as 63 and 58 years respectively. Therefore, the presence of the petitioners/accused Nos.2 and 3 in C.C.No.332 of 2013 on the file of V Additional Judicial Magistrate of First Class, Nellore, SPSR Nellore District, is dispensed with, but however, they shall appear before the concerned Court as and when directed by the Magistrate.

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

A. SHANKAR NARAYANA, J

08th April, 2015

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