

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.7447 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.1 and A.2 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.213 of 2015 of Anantapur II Town Police Station, Anantapur District, registered for the offences punishable under Section 417 IPC and Section 4 of the Dowry Prohibition Act, 1961 (for short, 'the Act').

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

3. It is submitted by the learned counsel for the petitioners/A.1 and A.2 that it is no doubt even reading of the report, in the alleged marriage engagement giving of five cents of land towards Katnam (alleged dowry) and having fixed the date for marriage, again telephoned by A.2 that there is a progressive alliance who offered to pay Rs.1,00,00,000/- as dowry and thereby they are cancelling, even from that it is not taken any dowry or to be given, much less, but cloud to attract Section 4 of the Act though the same is cognizable, but for Section 417 IPC is a non-cognizable offence and thereby, the F.I.R. is liable to be quashed.

4. Hence, the material falls short for this Court to admit

the petition for quashing under Section 482 Cr.P.C., but for to say in the factual matrix though the offence under Section 4 of the Act is not non-bailable and the investigation is in progress, the factual matrix entitles to the concession of bail by the petitioners.

5. Accordingly, this criminal petition is disposed of giving liberty to the petitioners to surrender before the learned Magistrate concerned and move for regular bail with notice to the A.P.P. concerned and in such an event and after hearing the Public Prosecutor concerned, the learned Magistrate shall grant bail with necessary conditions on the same day. The presence of the petitioners are hereby dispensed with at post bail stage and pending investigation. Further remedies are left open to the petitioners after police filing final report and cognizance taken by the learned Magistrate.

6. With the above observations, the Criminal Petition is disposed of.

7. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

20th August 2015.

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