

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2629 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.56 of 2015 on the file of Additional Judicial Magistrate of First Class, Bhongir, for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The petitioners herein are arraigned as accused Nos.2 to 7 in the calender case, alleging that they demanded the 2nd respondent for additional dowry, harassed her and necked her out while she was residing in their house and she being driven out of the house, a complaint was lodged by her. On account of which, the instant calender case was taken cognizance by the learned Magistrate for the said offences and now the petitioners sought to quash the proceedings in the said calender case.

3. Heard Sri K.Gani Reddy, learned counsel for the petitioners/accused Nos.2 to 7, and the learned Assistant Public Prosecutor for the State.

4. It is submitted by the learned counsel for the petitioners that there is no concrete allegation against the petitioners herein in the direction of causing harassment to the complainant, and, therefore, sought to quash the proceedings so far as the petitioners are concerned.

5. Learned Assistant Public Prosecutor submits that the investigation conducted by the investigating agency would clearly establish *prima facie* material in harassing the complainant by the petitioners herein, therefore, it is not a fit case to quash the proceedings in the calender case.

6. Perused the material on record. The cognizance of the case against accused Nos.1 to 7 was taken on 31.01.2015 for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The allegations mentioned in the complaint *prima facie* establish the cruelty meted out to the complainant by all the accused. Even the statements recorded under Section

161 Cr.P.C. are not filed. Therefore, it is not a fit case to quash the proceedings in the said calender case by invoking extraordinary jurisdiction under Section 482 Cr.P.C.

7. However, keeping in view the submission of the learned counsel for the petitioners that the presence of the petitioners may be dispensed with during pendency of the proceedings, to the extent of petitioner Nos.1 and 2, viz., Rebba Krishna Murthy and Rebba Ramulamma, since they are senior citizens aged 73 years and 65 years respectively, as shown in the cause title of the petition, their presence is dispensed with, however, observing that they shall appear before the Court as and when the learned Magistrate directs.

8. Accordingly, the criminal petition is dismissed with the above direction.

9. 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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