

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No.2624 of 2015

Order:

The instant petition is laid under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') to quash the Calendar Case No.102 of 2011 on the file of the XIV Metropolitan Magistrate, L.B. Nagar, Cyberabad, so far as accused Nos.2 and 3 are concerned, who are the petitioners herein, on the complaint of the second respondent herein for the offences punishable under Sections 498-A and 506 IPC and also under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Sri Challa Ajay Kumar, learned counsel for the petitioners, and the learned Assistant Public Prosecutor for the State.

3. As per the charge sheet, the facts, in brief, are that there has been demand for dowry of Rs.3,00,000/-. Subsequent to the marriage, the second respondent was returned to India from London. The second respondent along with her husband stayed at her in-laws house and she was subjected to harassment and even she suffered abortion due to the said harassment on account of building up tension and it went unabated and during eighth month she conceived a baby, since the baby was premature her parents spent Rs.2,00,000/- and when her parents requested her husband and in-laws for sharing the medical expenses they did not give consent. Later, on her complaint it led to the cognizance being taken and registering the charge sheet as Calendar Case No.102 of 2011 in the year 2011. At this stage, the petitioners have come up for quashing the calendar case against them.

4. Learned counsel for the petitioners submits that the petitioners were living in different portions as separate families and the question of causing harassment by the petitioners does not arise.

5. Be that as it may, when the case has come up for trial, these allegations are required to be decided by the concerned Court after a full fledged trial takes place. At this stage, there is no material worth mentioning to invoke the extraordinary jurisdiction for quashing the calendar case itself against the petitioners.

6. However, at the request of the learned counsel for the petitioners, the presence of the petitioners is dispensed with and they are directed to appear as and when the learned Magistrate directs them.

7. Accordingly, the Criminal Petition is disposed of.

8. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 07.04.2015

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