

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.7882 of 2015

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in C.C.No.561/2014 on the file of
II Additional Judicial First Class Magistrate,
Eluru, registered for the offences punishable under sections 498-A, read with Sec.34 IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961.

2. The allegations in brief are that the *de facto* complainant married the Petitioner/A1 on 20.03.2011. At the time of marriage, on demand of the accused, an amount of Rs.3.00 lakhs dowry was given, apart from other *lanchanams*. The couple started living at Vizianagaram. It is alleged that A-1 used to visit the home in drunken state in the midnights and harass the wife both physically and mentally, demanding additional dowry. To avoid such nuisance and harassment, the parents of the *de facto* complainant gave an additional dowry amount of Rs.1,00,000/- to A-1 on 22.6.2011. Later, some time A-1 lived with the wife amicably. Thereafter, A-1 started harassing the Respondent/wife with the active support of A-2 to A-6 and Juveniles a & 2, namely Valapu Sandhya Devi and Valapu Nagadurga Bhavani, who are the sisters to A-1 by relation, and used to visit their house, demanding to bring additional dowry from her parental home. On mediation also, A-1 did not hear the words of the elders to pacify the matter, and on the other hand, A-1 made violence against the elders also. Further, on 22.12.2012, A-1 to A-6 along with both the juveniles,

beat the Respondent/wife mercilessly, abused her, not provided food and necked her out from the matrimonial home, and thus harassed the *de facto* complainant both physically and mentally.

Hence, the complaint.

3. The learned counsel for the petitioners submits that all the allegations about the demand of money and the cruelty are incorrect. Further, the 1st Respondent/wife is suspecting the petitioner /A1 for silly reasons and insisting for a separate family, leaving her mother-in-law alone, and as her demands are not accepted by the petitioner/A1, she herself left the matrimonial home, and there is no harassment by any of the petitioners/accused.

4. Heard the learned counsel for the petitioners/Accused and the learned Additional Public Prosecutor, representing the State, and considered the material on record.

5. *Prima facie*, there are allegations against the petitioners/accused. Hence, in the facts and circumstances of the case, I feel that it is not a fit case where the proceedings can be quashed. The truth or otherwise of the allegations can only be decided during course of trial. This Court is not supposed to make a roving enquiry into the allegations made in the charge sheet. I absolutely see no valid ground to quash the case. As such, there are no merits in the petition and the same is liable to be dismissed.

6. At this stage, the learned counsel for the Petitioners/Accused submits that some of the petitioners are aged persons and suffering from ailments and it will be difficult for them to attend each and every adjournment in the above case and prays

that their presence may at least be dispensed with.

7. In view of the said submission made by the learned counsel for the petitioners/accused, the Court below shall proceed with the trial, without insisting for the presence of the Petitioners 2 to 6/A2 to A6 for each and every adjournment, unless it feels that their physical presence is necessary for any specific purpose.

8. The Criminal Petition is accordingly dismissed. Consequently, pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 07.09.2015
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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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