

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

Criminal Petition No. 12926 of 2015

Order:

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, by the petitioners/A2 to A4, seeking to quash the proceedings pending against them in CC No. 142 of 2014 on the file of the learned Judicial Magistrate of First Class, Atmakur, SPSR Nellore District, for the offences punishable under Section 498(A) read with Section 34 IPC and under Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

3. The allegations, in brief, are that the second respondent/*de facto* complainant was married to the non-petitioner/A1 on 07.10.2012 and was living with him at Hyderabad. It is alleged that the non-petitioner/A1 started harassing the *de facto* complainant both mentally and physically demanding to bring additional dowry from her parents. It is also alleged that whenever the petitioners/A2 to A4, who are said to be the mother, brother and sister-in-law of the non-petitioner/A1, came to Hyderabad, they used to harass the *de facto* complainant stating that she gave lesser dowry at the time of marriage and demanding to bring more dowry from her parents, otherwise they would perform second marriage to the non-petitioner/A1.

4. Learned counsel for the petitioners submits that the petitioners never demanded dowry much less additional dowry from the *de facto* complainant at any point of time and they were falsely implicated in the present case.

5. As seen from the contents of the charge sheet, it is alleged that whenever the petitioners/A2 to A4 came to Hyderabad, they used to harass the *de facto* complainant demanding additional dowry, otherwise they would perform second

marriage to the non-petitioner/A1. The truth or otherwise of the said allegations will be decided only after full fledged trial. In view of the specific allegations made against the petitioners/A2 to A4 in the charge sheet, it is not a fit case where the proceedings can be quashed against them.

6 . Accordingly, the Criminal Petition is dismissed. However, in the facts and circumstances of the case and as requested by the learned counsel for the petitioners, the learned Judicial Magistrate of First Class, Atmakur, SPSR Nellore District, is directed to proceed with the case in CC No. 142 of 2014 without insisting for the presence of the petitioners/A2 to A4 herein for each and every adjournment, unless their presence is required for any specific purpose.

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

M.S.K. JAISWAL, J.

Date: 07.12.2015

Note:

Issue CC in one week

(B/O)

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