

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

CRL.R.C.No.1553 of 2013

JUDGMENT:

This Criminal Revision Case is filed questioning the correctness of the order of the learned Additional Judicial Magistrate of First Class, Ramachandrapuram, dated 05.07.2013 passed in Crl.M.P.No.2768 of 2012 in D.V.C.No.7 of 2012.

Petitioner Nos.1 and 2 are father-in-law and mother-in-law; petitioner Nos.3 and 4 are brothers-in-law of respondent No.2 herein, who filed the aforesaid D.V.C.No.7 of 2012 against them. It is alleged in the said D.V.C. that the marriage of the 2nd respondent was performed with one Pilli Sridhar Kumar, who is the son of petitioner Nos.1 and 2, on 21.06.2003 and at the time of marriage the parents of the 2nd respondent gave an amount of Rs.2,00,000/-, Ac.0.50 cents of agricultural land and ten tulas of gold as dowry to the revision petitioners. The said Pilli Sridhar Kumar and the 2nd respondent were blessed with two children and thereafter the said Pilli Sridhar Kumar and the petitioners started harassing the 2nd respondent mentally and physically for additional dowry. It is further alleged that the husband of the 2nd respondent is having illicit relationship with one Kanakadurga and started living with her.

When the aforesaid D.V.C. is coming up for enquiry, the revision petitioners filed the aforesaid Crl.M.P.No.2768 of 2012 seeking to discharge them from the proceedings initiated against them on the ground that they never resided with the 2nd respondent and her husband at any point of time. It is further contended that earlier the 2nd respondent herein filed C.C.No.326 of 2010 against the revision petitioners and others for the offences punishable under Sections 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act and the learned Additional Judicial Magistrate of First Class, Ramachandrapuram, by judgment dated 20.07.2012, acquitted them for the said offences and thereafter the 2nd respondent filed the aforesaid D.V.C. against the revision petitioners on the very same allegations and, therefore, the present D.V.C. is not at all maintainable either under law or on facts. However, the Court below by order dated 05.07.2013 dismissed the aforesaid Crl.M.P. Aggrieved by the said order, the petitioners filed the present revision.

Heard the learned Counsel appearing on either side and perused the material available on record.

A perusal of the allegations in the aforesaid D.V.C. would clearly reveal a *prima facie* case against the revision petitioners. The truth or otherwise of the allegations cannot be gone into at this stage and it can only be decided during the course of enquiry. Therefore, this Court is of the considered view that the impugned order does not suffer from any illegality or infirmity which calls for interference by this Court.

Accordingly, the Criminal Revision Case is dismissed. However, the trial Court is directed to proceed with the aforesaid D.V.C. without insisting the presence of the revision petitioners on every date of hearing unless it feels that their presence is necessary for any specific purpose.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

16-12-2015
Gsn