

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

CRL.P.No.10552 of 2009

ORDER:

Petitioners-A5 to A8 seek to quash the proceedings initiated against them in C.C.No.1403 of 2008 on the file of the I-Additional Chief Metropolitan Magistrate, Visakhapatnam, registered for the offences punishable under Sections 420 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

On a complaint given by the 1st respondent herein, the police registered a case in Crime No.459 of 2007 against the petitioners herein and others for the aforesaid offences and after investigation, a charge sheet was filed and the same was taken on file as C.C.No.1403 of 2008. It is alleged that the marriage of Accused No.4 with one Puja Jaiswal, who is the sister of the 1st respondent-complainant, was fixed on 08.03.2007 and subsequently it was postponed to 11.07.2007. It is further alleged that as per the demands of the accused, the parents of said Puja Jaiswal paid Rs.3,00,000/- by way of cash and Rs.50,000/- by way of a cheque and also gold ornaments weighing 25 grams towards dowry, at the time of betrothal ceremony, to A-1 and A-2, who are the parents of A-4. It is further alleged that at the time of marriage on 11.07.2007 at Visakhapatnam, one Kamala came to the marriage venue along with police and asked to stop the

marriage stating that she is leading family life with A-4 since ten years and thereafter the marriage has been cancelled. It is further alleged that when the 1st respondent-complainant and his parents went to the house of A-4, all the accused threatened them to leave Visakhapatnam immediately, otherwise they will kill them.

Learned Counsel for the petitioners submitted that there is no specific allegation against the petitioners herein. He further submitted that there are specific allegations against A-1, A-2 and A-4 only with regard to the offences alleged by the 1st respondent-complainant. He further submitted that petitioner Nos. 1 and 3, who are brothers-in-law of A-1, are leading their marital life along with petitioner Nos. 2 and 4 separately at Kolkotta, West Bengal State and they have come to Visakhapatnam to attend the marriage of A-4 only.

The allegations made in the complaint do not constitute any offence or make out a case against the petitioners-A-5 to A-8. Further, there is no specific allegation in the complaint against the petitioners-A-5 to A-8 in respect of the offences alleged against them by the 1st respondent-complainant.

For the aforementioned reasons, I am of the considered view that continuance of proceedings initiated against the petitioners-A5 to A8 are nothing but an abuse of process of law and are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings initiated against the petitioners-A5 to A8 in C.C.No.1403 of 2008 on the file of the I-Additional Chief Metropolitan Magistrate, Visakhapatnam, are hereby quashed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

10-09-2015
Gsn