

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

CRIMINAL PETITION No.10171 of 2010

ORDER:

This petition under Section 482 Cr.P.C is filed to quash the proceedings in C.C.No.223 of 2008 on the file of Court of Judicial Magistrate of First Class, Banswada.

2. The allegations in the complaint are that the *de facto* complainant-Jyothsna married non-petitioner A.1 and non petitioner A.2 is wife of the petitioner/A.3. The *de facto* complainant alleged in her complaint that her husband-non petitioner A.1 was harassing her for additional dowry and non petitioner-A.2 was also harassing her mentally and physically and demanding her to get additional dowry of Rs.3,00,000/-. The specific allegation against petitioner/A.3 is that though the *de facto* complainant brought it to his notice about the alleged acts of his wife that she is harassing her, he supported his wife and stating that till she brings additional dowry they will harass her. Basing on which, the *de facto* compliant lodged a report, but police did not show the petitioner as accused in the First Information Report or in the charge sheet. But, subsequently the petitioner was impleaded as accused in the charge sheet as per the order, dated 08.09.2010, in CrI.M.P.No.592 of 2010 passed by the Judicial Magistrate of First Class, Banswada.

4. Learned counsel for the petitioner/A.3 contended that absolutely there is no material whatsoever against petitioner/A.3 so as to proceed against him; that the petitioner has been falsely implicated in this case and hence, he prays to quash the proceedings.

5. The specific allegation against A.3 is that when the alleged acts of his wife were brought to his notice, instead of taking remedial measure, he has asked the *de facto* complainant to bear with it saying

that they will continue to harass her till she brings the additional dowry. In view of the same, it cannot be said that there is no material so as to proceed against the petitioner. Therefore, there are no grounds to quash the proceedings.

6. Accordingly, the Criminal Petition is dismissed. However, the learned Magistrate is directed to proceed with trial of the case without insisting the presence of the petitioner, unless he is required for any specific purpose.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M.S.K. JAISWAL, J

DECEMBER 18, 2015

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Date: 18.12.2015

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