

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.198 OF 2015

ORDER:

This Criminal Revision Case is filed against order, dated 30.10.2014, passed in CrI.M.P. No.6319 of 2012 in CC No.173 of 2009, by the XIII Additional Chief Metropolitan Magistrate (Mahila Court), Hyderabad.

The brief facts of the case are that the marriage between the 1st petitioner and the 2nd respondent – complainant took place on 17.12.2007. At the time of marriage, a sum of Rs.2,00,000/- was given as dowry to the 1st petitioner and his family members. After marriage, they lived for some time happily and thereafter, the petitioners started harassing the 2nd respondent for additional dowry and finally the 2nd respondent was necked out from the matrimonial house. The 2nd respondent lodged a complaint against all the petitioners before the Women Police Station, Central Crime Station, Hyderabad, basing on which, Crime No.186 of 2008 was filed for the offences under Sections 498-A and 406 IPC. During the pendency of the proceedings, the parties have entered into a compromise and as per the terms of the compromise the 2nd respondent withdrew the Maintenance Case and before initiating proceedings to withdraw CC, the 2nd respondent got married another person and left her parents' house. Therefore, the petitioners filed CrI.M.P. No.6319 of 2012 before the Court below to discharge the petitioners.

The learned Public Prosecutor opposed the said application.

The Court below, after hearing the arguments of both sides and after perusing the record, dismissed the application on the ground that a case was made out against the petitioners. Aggrieved over the same, the present revision is filed.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the Court below has erroneously dismissed the application without taking into consideration the terms of the compromise entered into between the parties and after entering into the compromise the 2nd respondent withdrew the Maintenance Case and while the proceedings to withdraw the criminal case are going on, she married another person and left her parents' place, therefore, she is not attending the Court, as such the criminal case was not withdrawn by her and hence, he prays to discharge of the petitioners.

After perusing the order passed by the Court below, this Court is of the view that the Court below has rightly dismissed the application and the discharge petition cannot be allowed either by the Court below or by this Court. But, taking into consideration the grievance of the petitioners, this revision case can be disposed of with the following directions:

- i. The Court below is directed to commence the trial of the case on or before 15th July, 2015 by issuing summons to all the relevant witnesses.
- ii. On the said date, if the complainant and the other witnesses are absent without any reason, the Court below shall proceed further and dispose of the main case within a period of one month i.e. by 15th August, 2015.

The Criminal Revision Case is, accordingly, disposed of. Miscellaneous pending if any, shall stand closed.

RAJA ELANGO, J

June 08, 2015.

KTL