

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Petition No.3537 of 2015

Order:

The instant petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in Calendar Case No.716 of 2014 on the file of the Judicial Magistrate of First Class, Kodad, Nalgonda District. The petitioners herein are arraigned as A-1 and A-2 respectively, in the said Calendar Case and the offences levelled against them are punishable under Sections 498-A IPC and 3 and 4 of the Dowry Prohibition Act, 1961.

2. The facts, as reflected from the charge sheet and material on record, are that the marriage of the second respondent with the first petitioner had taken place on 24th June 2010 and a female child was born out of their wedlock and there has been constant harassment from the petitioners to bring additional dowry. The complainant has also referred to the names of other persons who are related to her husband and she has also mentioned a specific allegation that about one year prior to lodging of the complaint the second petitioner took her to their relatives house at Bhadrachalam and pressurized her to go with a person by name Babu who is the brother-in-law of one Kutumba Rao and threatened with dire consequences if she reveals the same to her husband and about one year prior to lodging of the complaint she was necked out of the house by the petitioners as she did not meet their demand to bring additional dowry.

3. Heard both sides.

4. Learned counsel for the petitioners submits that simple allegations have been levelled in the complaint, without there being any specific allegations against the petitioners herein and, therefore, it is nothing but abuse of process of law in conducting trial in the Calendar Case and, sought to quash the proceedings. It is also sought by the learned counsel for the petitioners to dispense with the appearance of the petitioners before the learned Magistrate in Calendar Case No.716 of 2014.

5. Whether there are specific acts constituting cruelty alleged to have meted out to the complainant, can be examined during trial. Therefore, at this stage, it is not a fit case to exercise extraordinary jurisdiction under Section 482 Cr.P.C. to quash the proceedings in the Calendar Case.

6. However, in view of the representation of the learned counsel for the petitioners that the second petitioner is a blind lady and aged about 65 years and since the certificate, dated 21.07.2010, issued by the Medical Board of District Headquarters Hospital, Nalgonda, is also filed, the appearance of the second petitioner alone is dispensed with during the pendency of the proceedings in Calendar Case No.716 of 2014, however, directing her to appear as and when directed by the learned Magistrate. Concerning the first petitioner, the request to dispense with his appearance is refused, though he is working as Police Constable (special party) in OSD office, Kothagudem, Bhadrachalam.

7. With the above direction, the Criminal Petition is dismissed.

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

A. SHANKAR NARAYANA, J

Date: 24.04.2015

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