

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12107 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.3 to A.6 in C.C.No.329 of 2015 on the file of the XV Additional Chief Metropolitan Magistrate at Hyderabad.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the second respondent lodged a complaint to Women Police Station, Begumpet, North Zone, Secunderabad, who in turn registered a case in Crime No.52 of 2015 for the offences under Sections 498-A and 506 I.P.C., and Sections 4 and 6 of the Dowry Prohibition Act, 1961. After completion of the investigation, the investigating officer laid charge sheet against the petitioners under Sections 498-A and 506 I.P.C., and Sections 4 and 6 of the Dowry Prohibition Act.

4. The learned Magistrate, after satisfying himself with the material placed before him, has taken the cognizance of offences against the petitioners under Sections 498-A and 506 I.P.C., and Sections 4 and 6 of the Dowry Prohibition Act.

5. The predominant contention of the learned counsel for the petitioners is that the allegations made in the charge sheet do not constitute the offences much less offences alleged to have been committed by the petitioners.

6. In order to appreciate the contention of the learned counsel for the petitioners, I have gone through the material placed before this Court. A perusal of the record clearly reveals that the investigating officer has not committed any irregularity or illegality during the course of investigation. A perusal of the record further reveals that the learned Magistrate has taken the cognizance of offences against the petitioners as stated supra by meticulously following the procedure contemplated under the Cr.P.C. A perusal of the charge sheet clearly reveals the role played by petitioner Nos.2 to 5, who are accused Nos.3 to 6. The material placed before this Court is *prima facie* sufficient to proceed further against the petitioners.

7. In **Madhu Limaye Vs. State of Maharashtra** the Hon'ble Supreme Court held as under:

“At the outset the following principles may be noticed in relation to the exercise of inherent power of the High Court, which have been followed ordinarily and generally, almost invariably, barring a few exceptions.

1. That the power is not to be resorted to if there is a specific provision in the Code for the redress of the grievance of the aggrieved party;
2. That it should be exercised very sparingly to prevent abuse of process of any Court or otherwise to secure the ends of justice;
3. That it should not be exercised as against the express bar of law engrafted in any other provision of the Code.”

8. In **Padal Venkata Rama Reddy @ Ramu Vs. Kovvuri Satyanarayana Reddy**, the Hon'ble Supreme Court held as under:

13. It is well settled that the inherent powers under Section 482 can be exercised only when no other remedy is available to the litigant and not in a situation where a specific remedy is provided by the statute. It cannot be used if it is inconsistent with specific provisions provided under the Code (vide *Kavita v. State* {2000 Cri LJ 315 (Del)} and *B.S. Joshi v. State of Haryana* {(2003) 4 SCC 675}. If an effective alternative remedy is available, the High Court will not exercise its powers under this section, specially when the applicant may not have availed of that remedy.

9. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that it is not a fit case to quash the proceedings at this point of time.

10. Learned counsel for the petitioners submitted that the presence of petitioner Nos.2 to 5, who are accused Nos.3 to 6, may be dispensed with on each and every date of adjournment.

11. There is no dispute with regard to the identity of petitioner Nos.2 to 5. Even if the presence of petitioner Nos.2 to 5 is dispensed with, no prejudice will be caused to the second respondent.

12. Hence, the presence of petitioner Nos.2 to 5, who are accused Nos.3 to 6 in C.C.No.329 of 2015 on the file of the

XV Additional Chief Metropolitan Magistrate at Hyderabad, is hereby dispensed with on each and every date of adjournment. However, they shall appear before the trial Court as and when their presence is so required.

13. With the above observation, the Criminal Petition is dismissed.

14. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 20.11.2015

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