

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.16514 OF 2016

ORDER:

Heard.

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in C.C.No.615 of 2015 on the file of Judicial Magistrate of First Class, Manuguru, for the offences punishable under Section 498-A I.P.C. and Section 4 of the Dowry Prohibition Act.

The petitioner herein is the sister-in-law of the 2nd respondent.

The only ground urged before this Court is that there is no specific allegation against the petitioner/A4 in the entire charge sheet except making omnibus allegations.

During hearing, learned counsel for the petitioner raised the same contention. As seen from the charge sheet, it is evident that on 20.08.2014 husband and in-laws of the *de facto* complainant subjected her mental and physical torture to bring dowry from her parents. This specific allegation on the face value of it taken on its entirety would constitute offence punishable under Sections 498-A IPC and 4 of the Dowry Prohibition Act. As per guideline No.1 of **State of Haryana v. Bhajan Lal**¹ where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the Court cannot quash the proceedings exercising power under Section 482 Cr.P.C..

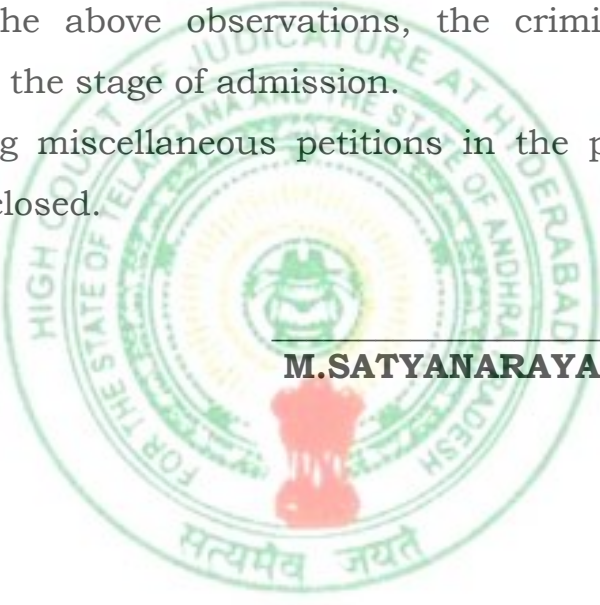
But here the allegations made in the charge sheet are specific that this 2nd respondent was subjected to cruelty by the husband and in-laws on a particular date. Therefore, I find no ground to quash the proceedings by exercising power under Section 482 Cr.P.C.

¹ 1992 Supp. (1) SCC 335

However, during the course of hearing learned counsel for the petitioner requested this Court to pass an order of dispensing with the appearance of the petitioner before the learned Magistrate without raising any specific contention. But it is not proper to pass such an order by this Court while exercising jurisdiction under Section 482 Cr.P.C. since that was not the relief claimed in the petition. However, the petitioner is permitted to file appropriate application before the learned Magistrate under Section 205 Cr.P.C after serving notice to the 2nd respondent and on filing such application learned Magistrate is directed to decide the application on the same day.

With the above observations, the criminal petition is dismissed at the stage of admission.

Pending miscellaneous petitions in the petition, if any, shall stand closed.



M.SATYANARAYANA MURTHY,J

05.12.2016
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