

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.14843 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioners/ A.1 to A.3 to quash the proceedings in C.C. No.417 of 2012 pending before the I Judicial Magistrate of First Class, Warangal, for the offence punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

The first petitioner is the son of petitioners 2 and 3 and they are closely related by blood and the second respondent is the wife of first petitioner. The marriage of the second respondent/ *de-facto* complainant was performed with the first petitioner on 08.09.2011. At the time of marriage, the parents of the second respondent/ *de-facto* complainant gave Rs.2,00,000/- besides presentation of one acre land and paid Rs.50,000/- for purchasing motor cycle and for other formalities. Later, the first petitioner and the second respondent separated from joint family, though at the instance of his parents, she was harassed by both physically and mentally. Her husband has given seven tulas of gold to his parents and also failed to look after her, though she was carrying pregnancy of 7th month and that the matter was complained to elders Srinivas, Ravinder, Veera Reddy and they called her husband and in-laws on 04.10.2011 and held panchayat and on assurance given by them to look after her properly. Later on 01.12.2012 she gave birth to a son and none of them came to see her son and now at

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the age of 9 months of her son, again panchayat was held on 29.08.2012 and later A.1 at the instance of A.2 and A.3 harassed her and raising frequent quarrels with her on every aspect and when A.3 harassed her treating as servant maid and also cut her hair. Whenever the second respondent questioned their attitude A.3 replied due to not obeying her orders, she cut the hair and also demanded to sell away the land otherwise to bring Rs.5,00,000/- and harassed her. Thus the allegations made in the charge sheet are *prima facie* constitute an offence punishable under Section 498-A and Sections 3 and 4 of DP Act.

The main contention of the petitioners is that the allegations made in the charge sheet are not substantiated by any material and those are only an omnibus allegation. This contention cannot be accepted for the reason that specific overt acts have been attributed to each of the petitioners, who are husband and in-laws, of the second respondent.

Therefore, on this ground the proceedings in C.C. No.417 of 2012 pending before the I Judicial Magistrate of First Class, Warangal, cannot be quashed in view of the limited jurisdiction of this Court under Section 482 Cr.P.C. which can be exercised sparingly in exceptional circumstances.

Therefore, I find no ground to exercise jurisdiction to quash the proceedings in C.C. No.417 of 2012 pending before the I Judicial Magistrate of First Class, Warangal, exercising jurisdiction under Section 482 Cr.P.C. Accordingly, the criminal petition is liable to be dismissed.

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The counsel for the petitioner requested to dispense with the appearance of petitioners 2 and 3/ A.2 and A.3. But this Court cannot pass an Order, which is expected to be passed by a Judicial Magistrate of first class, exercising power of Judicial Magistrate of First Class.

Therefore, the petitioners are advised to file an application before the I Judicial Magistrate of First Class, Warangal, under Rule 37 of Criminal Rules of Practice or any other provision of law to dispense with the appearance of the petitioners 2 and 3. On filing such application, the learned Magistrate is requested to decide the application on the same day.

In the result, the criminal petition is dismissed.

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

M. SATYANARAYANA MURTHY, J

Date: 20.10.2016
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