

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15779 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.350 of 2016 on the file of Additional Judicial Magistrate of First Class, Siddipet on the grounds that

(a) defacto complainant and petitioners lodged a complaint with false allegations and police did not collect any evidence during investigation but filed charge sheet without any basis.

(b) Police did not consider the letter dated 23-7-2016 signed by the defacto complainant, petitioners and other panch witnesses proposing to settle the matter but filed charge sheet when the petitioners failed to deposit Rs.5 to 6 lakhs before the panchayatdars and the allegations made in the charge sheet would not constitute offences punishable under Section 498-A I.P.C. Sections 3 and 4 of Dowry Prohibition Act.

Heard the learned counsel and perused the material available on record.

During hearing, learned counsel for the petitioners drawn the attention of this court through the letter dated 23.7.2016 executed by the petitioners and defacto complainant and signed by Panchayatdars proposing to decide the dispute sitting in Siddipet and placed reliance on the judgment of apex court reported in *SUNDAR*

BABU AND ORS v. STATE OF TAMIL NADU ⁽¹⁾ to quash the proceedings in Charge sheet for the offence punishable under Section 498-A I.P.C. and to grant stay of all further proceedings.

It is settled law that this court has to exercise jurisdiction under Section 482 Cr.P.C. sparingly in exceptional circumstances, unless the court can come to a conclusion that the allegations made in the charge sheet on its face value would not constitute an offence punishable under Section 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act, this court cannot quash the proceedings in C.C.No.350 of 2016 on the file of Additional Judicial Magistrate of First Class, Siddipet.

Here the allegations made in the charge sheet are very specific and same is extracted hereunder for better appreciation:

“About 6 years back she was given in marriage to the Balreddy s/o Agareddy, at the time of marriage, her parents gave net cash Rs.50,000/- and 1 acre 18 gunts land and 3 tulas gold to her husband as a dowry after their marriage they lead their conjugal life for some period and they blessed one daughter by name Madhumitha age 5 years after that her husband came to house in drunken condition and harassed her physically and mentally to bring the additional dowry Rs.2,00,000/- from her parents house and also her Mother-in-law Yasoda, Husband sister Rajitha and brother-in-law Rajireddy were harassed her for additional dowry and necked out from the house. Now she is residing at her parents’ house of Cherla Ankireddypally village. On that held panchayat at Cherla Ankireddypally village in presence of elders but their attitude was not changed. Thus the complainant requested to take necessary action against them.”

¹ 2009 Lawsuit (SC) 534

Specific allegations made in the charge sheet if taken on its face value would constitute an offence punishable under Section 498-A I.P.C. as the defacto complainant was subjected to cruelty for her failure to pay illegal demand of payment of dowry and receiving Rs.50,000/-, Ac.1.18 guntas of land, 3 tulas of gold by her husband as dowry at the time of marriage would fall within the ambit of Section 3 of Dowry Prohibition Act, since payment of such amount would fall within the definition of Section 2 of Dowry Prohibition Act.

Similarly, demanding additional dowry would fall within the ambit of Section 4 of Dowry Prohibition Act and therefore, charge sheet would constitute on its face value for the offence punishable under Section 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

Petitioners would contend that when an allegation is made in the charge sheet and is not supported by statement of any witnesses and when police investigated the offence by examining the witnesses produced by the defacto complainant, the court can grant stay of all further proceedings and placed reliance of judgment of apex court referred supra (*SUNDAR BABU AND ORS v. STATE OF TAMIL NADU* 1st cited) where the apex court held that powers of Section 482 Cr.P.C. are very limited and court must be careful to see that defects in exercise of these powers is based on some principles. Even a cursory perusal of complaint shows that the case had not fallen

within the category 7 illustration highlighted in a decision of the Honourable Supreme Court reported *HARYANA v. BHAJAN LAL* (²).

If the principle laid down in the above decision is applied to the present case, the petitioners are not entitled to any relief much less quashing proceedings in C.C.No.350 of 2016 on the file of Additional Judicial Magistrate of First Class, Siddipet since the allegations made in the charge sheet would constitute offences on its face value for the offences punishable under Sections 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act in view of the guidelines laid down in *HARYANA v. BHAJAN LAL* (^{2nd} cited).

Hence, I find no ground to quash the proceedings in C.C.No.350 of 2016 on the file of Additional Judicial Magistrate of First Class, Siddipet and as such, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 8-11-2016.

Dvs.

² 1992 Supplement (1) SCC 335

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



CRIMINAL PETITION No.15779 OF 2016

Dated 8-11-2016.

Dvs