

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15507 OF 2016

ORDER:

This criminal petition, under Section 482 of Criminal procedure Code, 1973 (for short, 'Cr.P.C.') is filed by the petitioners to quash the proceedings in C.C. No.431 of 2016 pending before the Additional Judicial Magistrate of First Class, Cheepurupalli, Srikakulam.

It is the case of the petitioners that they are married and living separately at different places and omnibus allegations are made in the charge sheet without attributing specific overt acts to the petitioners to attract the offence punishable under section 498-A of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961 and that on the basis of such allegations, the prosecution cannot be proceeded and there are no chances to get conviction of the petitioners for the offence punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

In the charge sheet filed before the court, specific allegations are made that the petitioners and their brother subjected the first respondent to harassment, but in the statements recorded, during investigation, under Section 161 (3) Cr.P.C., there are specific overt acts attributed to the petitioners, who are the sisters-in-law, and the husband of the first respondent, and subjecting the first respondent to cruelty for her failure to meet alleged illegal demand of Rs.10,00,000/- towards additional dowry and due to unbearable harassment,

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she left matrimonial home and shifted to parents house. These allegations, if proved, would constitute an offence on the face value of the allegations made in the charge sheet coupled with the statements recorded by the police.

Therefore, I find no ground to quash the proceedings. Hence, the petition is dismissed at the stage of admission itself.

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

M. SATYANARAYANA MURTHY, J

Date: 01.11.2016
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