

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.16020 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.413 of 2016 pending on the file of V Additional Judicial First Class Magistrate, Rajahmundry for the offences punishable under Sections 498-A and 506 read with 34 I.P.C.and Sections 3 and 4 of Dowry Prohibition Act.

Petitioners are in-laws of defacto complainant and second respondent herein is the defacto complainant and third petitioner is sister-in-law i.e., husband's sister they related by blood and the marriage between 1st accused and defacto complainant is not in dispute. However, the contention of the petitioner before this court is that only omnibus allegations are made in a routine manner and which is insufficient to constitute the offence under Section 498-A of I.P.C. against in-laws and sister-in-law of the defacto complainant.

It is an undisputed fact that this court can exercise an inherent jurisdiction under Section 482 Cr.P.C. sparingly, only in exceptional circumstances with great circumspection to give effect to any orders under the code of Criminal Procedure or to prevent abuse of process of court or to secure ends of justice.

The Supreme Court *STATE OF HARYANA v. BHAJAN LAL* (¹)
there are seven guidelines among which guideline No.1 is relevant to
the present facts of the case which reads as follows.

*(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".*

According to guideline No.1, the court can exercise inherent
power only when allegations made in the First Information Report or
in the complaint even if they are taken at their face value which
make out the case against the petitioners.

But in the present facts of the case, specific allegations against
the petitioners are made at page No.2, at para 5 of the charge sheet
six lines from the bottom. These allegations on its face value would
constitute the offences punishable under Section 498-A of I.P.C. and
Sections 3 and 4 of Dowry Prohibition Act, that apart, receiving
dowry at the time of marriage Rs.5 lakhs and Rs.5,000/- towards
adapadachu katnam dowry etc., and customary gifts were
Rs.1,50,000/- which fall under Section 2 of the Dowry Prohibition
Act, receiving such gifts amount etc., would constitute the offence
punishable under Sections 3 of Dowry Prohibition Act on its face
value on the allegations made in the complaint. Therefore, the
allegations made in the complaint are suffice to continue
proceedings against the petitioners since the allegations on its face
value would constitute the offences.

¹ 1992 Supp (1) SCC 335

Therefore, I am of unable to exercise inherent jurisdiction under Section 482 Cr.PC. to quash the proceedings on the sole ground that the allegations made in the charge sheet are omnibus and routine allegations and hence, this petition is liable to be dismissed.

Accordingly, this criminal petition is disposed of at the stage of admission.

At this stage, learned counsel for the petitioner requested to pass order to dispense with the appearance of the petitioner before the V Additional Judicial Magistrate of First Class, Rajamahendravaram in C.C.No.413 of 2016 but this court cannot exercise such power.

In those circumstances, I deem it appropriate to direct the V Additional Judicial Magistrate of First Class, Rajamahendravaram to dispose of the application if any filed under Section 205 Cr.P.C. after issuing notice to the Public Prosecutor on the same day itself.

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

JUSTICE M.SATYANARAYANA MURTHY

Dated 16-11-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dvs