

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3466 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in C.C.No.135 of 2014 on the file of the Additional Judicial Magistrate of First Class, Chirala, arising out of offences under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Heard and perused the material available on record.

Learned counsel for the petitioner submits the petitioner herein is not at all related to the husband of the *de facto* complainant and as such, prays this Court to quash the proceedings insofar as the petitioner is concerned.

This Court is of the view that it is necessary to extract relevant portion of the Charge sheet with regard to the allegations as against the petitioner is concerned, which is as follows.

“... During the mediations A.1 to A.7 have deaf words of elders and demanded the additional dowry for amount of Rs.30,00,000/- along with Honda City car with instigation of A.8, and also warned that if not gave the additional dowry, divorces will occur obviously”.

It is evident from the above that except the allegation about the instigation of A.8, nothing is elicited from the record and also it is evident that the petitioner is not related to the husband of the *de facto* complainant. As per the provisions of Section 498-A IPC, the prosecution is maintainable only against the relatives of the husband and as such, the proceedings as against the petitioner/A.8 in C.C.No.135 of 2014 is hereby quashed and the petitioner/A.8 is acquitted of the offences levelled against him.

The Criminal Petition is allowed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

16.03.2016

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