

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.7169 of 2016

ORDER

This petition under Section 482 Cr.P.C. is filed by the petitioners/A2 to A5 seeking to quash the proceedings in C.C.No.291 of 2015 on the file of Judicial First Class Magistrate, Huzurnagar, registered for the offence punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, against them.

2. It is alleged in the charge sheet that A1, at the instigation of A2 to A5, used to harass his wife i.e., 2nd respondent herein, mentally and physically by demanding additional dowry of Rs.10 lakhs. Based on the complaint, a case in Cr.No.318 of 2014 u/s.498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act was registered against A1 to A5.

3. Heard and perused the material on record.

4. As per the allegations in the charge sheet, there is a *prima facie* case to proceed against the petitioners. Therefore, this is not a fit case where the proceedings against them can be quashed. Truth or otherwise of the allegations can only be decided during

course of trial. However, considering the facts and circumstances of the case, the Court below is directed to proceed with the trial of the case, without insisting the presence of the petitioners/A2 to A5 for each and every date of adjournment, unless it feels that their presence is necessary for any specific purpose.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous applications, if any, pending in this petition shall stand closed.

M.S.K.JAISWAL,J

3rd June, 2016
sj