

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.348 of 2014

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-1 in C.C.No.349 of 2012 pending on the file of XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, arising out of Crime No.56 of 2012 of Women Police Station, Begumpet, Hyderabad registered for the offences punishable under Section 498-A, and 323 IPC and Sections 4 and 6 of Dowry Prohibition Act.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

It is alleged that the marriage of the 2nd respondent/de facto complainant was performed with the petitioner/A-1 on 12-03-2000 at Malla Reddy Garden, Bowenpally, Secunderabad as per Hindu rites and caste customs. At the time of marriage, the parents of the 2nd respondent presented 150 tolas of gold, 5 Kgs silver, and Rs.5.00 lakhs towards Adapadachu katnam and after joining with the company of the petitioner/A-1, the petitioner herein as well as his parents are subjecting the 2nd respondent to cruelty and harassment in connection with demand for additional dowry. Various other harassments are meted out by the 2nd respondent in the hands of the petitioner and his parents. On a complaint given by the 2nd respondent, the crime was registered and the police, after completion of investigation, filed the charge sheet before the Court.

A bare perusal of the charge sheet and the material reveals that there are specific instances of harassment in

connection with demand for additional dowry not only against the petitioner/A-1 but also the other accused. On the earlier occasion, the other accused in the present case filed Criminal Petition No.2882 of 2013 for quashing the proceedings, and this Court dismissed the same on

30-04-2013, holding that since specific instances of harassment and the manner in which the harassment was meted out were clearly stated in 161 Cr.P.C. statement, the continuance of proceedings against them cannot be interdicted. The truth or otherwise of the allegations made in the charge sheet have to be necessarily determined by the trial Court after a full pledged trial and the same cannot be determined at this stage.

Considering the facts and circumstances of the case, this Court is of the view that it is a not fit case where the continuance of the proceedings can be quashed invoking the inherent jurisdiction under Section 482 Cr.P.C., and hence, the criminal petition is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed. However, since the case is pending from 2012, the learned XV Additional Metropolitan Magistrate, Nampally, Hyderabad is directed to dispose of the same as expeditiously as possible, preferably within a period of six (6) months, if it is not already disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 23-02-2016

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