

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15536 of 2016

ORDER:

This Petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.485 of 2015 pending on the file of Special Mobile Magistrate, Guntur.

2. The case of *de facto* complainant is that she married the petitioner and the said marriage was her second marriage and it is the third marriage of the petitioner and they lived happily for some time. At the time of marriage, the parents of the *de facto* complainant gave Rs.5,00,000/- towards dowry besides bearing expenses for marriage and later the petitioner started harassment subjecting the *de facto* complainant to cruelty to pay Rs.4,50,000/- lakhs to secure employment and pledged her gold ornaments and obtained loan. Some time thereafter, her father gave Rs.1,00,000/- to the petitioner pledging the gold ornaments of her sister to get over from ACB case. Thus, the petitioner subjected the *de facto* complainant to cruelty for payment of additional dowry amount in the shape of gold etc., to meet his expenses in connection with ACB case, in which he was involved and placed him under suspension.

3. The main contention of the petitioner is that the allegations made in the complaint that he obtained loan of Rs.4,50,000/- pledging the gold ornaments to meet his expenses and subjecting the *de facto* complainant to cruelty are all false.

4. The truthfulness or otherwise of the allegations made in the charge sheet cannot be looked into at this stage since these are disputed questions

of facts to be decided after full fledged trial. However, the obligation of the Court is to verify factum of the allegations made in the charge sheet and if Court is satisfied that the allegations made in the charge sheet on the face value would constitute an offence punishable under Sections 498-A IPC, the Court can allow the application filed by the petitioner. In view of the facts and circumstances of the allegations made in the charge sheet after due investigation by the Police, would disclose *prima facie* material that the petitioner subjected the *de facto* complainant to cruelty demanding additional dowry by way of gold etc., to meet his expenses in connection with ACB trap case. Therefore, I find that it is not a fit case to quash the proceedings at this stage.

5. In the result, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt: 01-11-2016

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Dt. 01.11.2016

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