

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15980 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in C.C. No.5 of 2013 pending on the file of Junior Civil Judge-cum-Judicial Magistrate Of First Class, at Narsapur, filed against the petitioners and another for the offence punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

The petitioners are in-laws of the *de facto* complainant/ second respondent. The relationship between the petitioners and the second respondent is not in dispute.

The specific allegations made against the petitioners in the charge sheet are that they subjected the second respondent to cruelty, to meet their illegal demand for payment of Rs.1,00,000/- as additional dowry and that they received Rs.4,10,000/- at the time of marriage. These allegations, on its face value, would constitute an offence punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

In **STATE OF HARYANA VS. BHAJAN LAL**¹ the Apex Court laid down certain guidelines to be followed to exercise jurisdiction under Section 482 Cr.P.C. wherein guideline No.1 is relevant to the present facts of the case, and it is extracted hereunder:

“(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

¹ (1992) Supp. (1) SCC 335

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constitute any offence or make out a case against the accused.”

When the allegations made in the charge sheet or complaint on its face value would constitute an offence punishable any of the penal provisions, the court cannot exercise its jurisdiction under Section 482 Cr.P.C. to quash the proceedings.

Hence, applying the principle laid down in **BHAJAN LAL**’s case referred to supra to the present facts of the case, I find no ground to quash the proceedings, and the criminal petition is liable to be dismissed.

Accordingly, the criminal petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 15.11.2016

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