

HONOURABLE MRS JUSTICE ANIS

CRIMINAL PETITION No. 14101 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.87 of 2016 pending adjudication on the file of learned II Additional Judicial First Class Magistrate, Machilipatnam, Krishna District, registered for the offences punishable under Section 498-A read with Section 34 IPC and Sections 3,4 and 6 of the Dowry Prohibition Act.

The second respondent/defacto complainant lodged a complaint against her husband and the petitioners herein and the same was registered as Crime No. 9 of 2015. The police after completing the investigation, filed charge sheet, which was taken on file by the learned Magistrate and registered as CC No. 87 of 2016.

The learned Counsel for the petitioners/Accused Nos. 2 to 5 submits that the petitioners herein are the in-laws of the second respondent and they never stayed with her and they never harassed her at any point of time. He further submits that the petitioners herein are the aged persons and they are not in a position to attend the Court for each and every adjournment of the case and therefore their presence may be dispensed with in the aforesaid Calendar Case. He also submits that the petitioners herein are innocent and did not commit any offence.

Heard the learned Counsel for the petitioners and learned Public prosecutor. Perused the material on record.

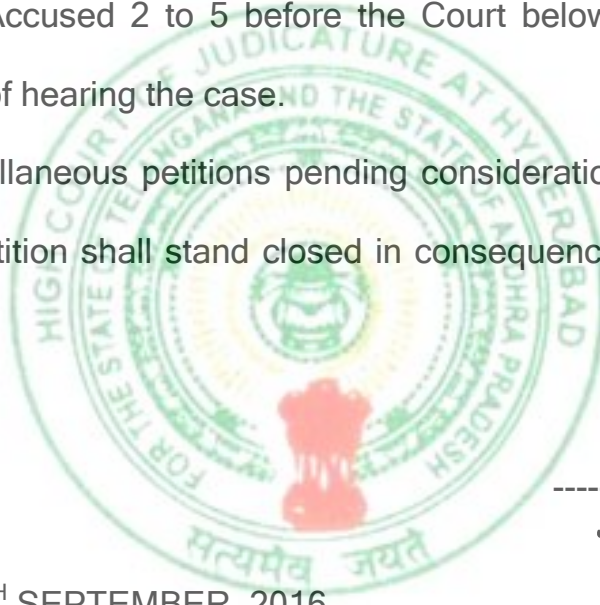
A perusal of the material on record shows that marriage of second respondent was performed with Accused No.1 on 9.11.2013 and thereafter, they went to America for one month and came back to Pulivendula. Thereafter, Accused No.1 gone to Bangalore on job, however, petitioners 2 to 5 herein did not send the second respondent along with Accused No.1 and insisted her to stay with them at Pulivendula. During her stay at Pulivendula, the petitioners herein harassed the second respondent physically and mentally. After some time, she was sent to her parents house. Though the second respondent fulfilled the demand of additional dowry, Accused No.1 did not take her along with him to Bangalore. Thereafter, she was necked out of her marital house. The record further shows that Accused No.1 filed a petition in M.C.No. 2936 of 2014 for restitution of conjugal rights and obtained an order for continuance of matrimonial relationship. However, the second respondent did not join the company of Accused No.1.

Having heard the learned Counsel on either side and gone through the material available on record, it is palpable that specific allegations were made in the complaint against the petitioners/Accused 2 to 5. The truth or otherwise of the allegations can only be decided during the course of trial. This Court is not supposed to make a roving enquiry into the

allegations made in the charge sheet. I see no ground to quash the proceedings in the aforesaid Calendar Case at this stage.

However, considering the facts and circumstances of the case and as the petitioners herein are aged persons, the Criminal Petition is disposed of, directing the Court below to proceed with the trial, however, without insisting for the presence of petitioners/Accused 2 to 5 for each and every adjournment, unless it feels that their physical presence is necessary for any specific purpose. The Counsel on record shall represent the petitioners/Accused 2 to 5 before the Court below on each and every date of hearing the case.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.



JUSTICE ANIS

DATED 28TH SEPTEMBER, 2016.
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