

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15339 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.369 of 2015 pending on the file of Judicial I Class Magistrate, Zahirabad for the offences punishable under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

Petitioner No.1 is the husband and respondents 2 and 3 are the mother and sister-in-law of defacto complaint-second respondent and the marriage of 1st petitioner and defacto complainant was admittedly performed on 15-6-2015 at Zahirabad and it is alleged that at the time of marriage, parents of the second respondent paid a cash of R.5,00,000/- besides presentation of household articles worth Rs.1,00,000/- to the husband of the defacto complainant and seven and half tulas of gold as dowry and after marriage, petitioners started harassing her demanding additional dowry and when she returned from her employment, they used to harass her mentally and physically while suspecting her character and even thereafter, panchayat was held in the presence of elders as they demanded additional dowry of Rs.4,00,000/- from her parents and insisted for payment of full salary to the petitioners. Thus, the allegations made in the charge sheet and statement recorded by police under Section 161 (3) Cr.P.C. would prima facie constitute the offences punishable under Sections 3 and 4 of Dowry Prohibition Act besides the offence punishable under Section 498-A I.P.C. since the petitioners allegedly

subjected her to cruelty both physical and mentally as she failed to fulfill illegal demand of dowry.

Hence, it is difficult to quash proceedings accepting the face value of allegations made in the charge sheet. However, the petitioners apprehension is that the police may arrest them at any time in connection with the above case while admitting that they received only summons from the Judicial Magistrate of I Class, Zahirabad for their appearance before that court.

Under these circumstances, the apprehension of petitioners regarding their arrest is disbelieved and taking into consideration of the stage of the case, I find that it is not a fit case to quash the proceedings at this stage.

However, in case the petitioners appeared before the court, they may apply for appropriate relief under Section 205 of Cr.P.C. for dispensing with his appearance before Judicial Magistrate of I Class, Zahirabad, and on filing such application, Judicial Magistrate of I Class, Zahirabad, is directed to decide the said application in accordance with law.

Accordingly, this Criminal Petition is disposed of.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 28-10-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 28-10-2016.

Dvs