

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.14664 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed to quash the proceedings in CC No.363 of 2015 pending before the XIV Metropolitan Magistrate at LB Nagar, Cyberabad, for the offence punishable under Sections 498-A, 494 and 420 of Indian Penal Code, 1860 (for short, 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, 'the Act, 1961').

The second respondent, de-facto complainant gave a complaint to the Police, Women Police Station, Cyberabad District, against the petitioners and their son alleging that she was subjected to cruelty, demanding dowry of Rs.10,00,000/- for purchase of house or else demanding to execute a registered sale deed by transferring the house situated at Huzur Nagar in the name of petitioners and their son.

After completion of investigation, the police filed charge sheet before the Court for the offence punishable under Section 498-A IPC and Sections 3 and 4 of the Act, 1961 and the court took the cognizance of the case against the petitioners and their son, who are the accused in the said crime. The only contention before this Court is that there are no serious allegations against the petitioners to attract the offence punishable under Section 498-A IPC and Sections 3 and 4 of the Act, 1961.

As seen from the charge sheet, specific overt acts were attributed to both the petitioners, who are in-laws of the second respondent- *de facto* complainant. If those allegations are

- 2 -

proved it would constitute the offence punishable under Section 498-A IPC and Sections 3 and 4 of the Act, 1961, and when the material on record *prima facie* constitutes an offence, absence of serious allegations is not a ground to quash the proceedings at this stage and this Court cannot go into genuineness of the allegations made in the charge sheet while exercising jurisdiction under Section 482 Cr.P.C., since those overtacts can be proved by adducing oral and documentary evidence during trial.

Hence, I find no ground to quash the proceedings at this stage. The counsel for the petitioner requested this Court to pass an order dispensing with the appearance of the petitioner before the trial court. But this court cannot exercise power of Judicial Magistrate of First Class while exercising jurisdiction under Section 482 Cr.P.C.

Hence liberty is given to the petitioner to move appropriate application before the XIV Metropolitan Magistrate at LB Nagar, Cyberabad, under Rule 37 of Criminal Rules of Practice to dispense with their appearance or under any other provision. On filing such application, the learned Magistrate is directed to decide the same in accordance with law within a reasonable time.

Accordingly, the criminal petition is dismissed.

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

M. SATYANARAYANA MURTHY, J

Date: 19.10.2016
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