

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1966 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in P.R.C.No.29 of 2016 on the file of II Additional Judicial Magistrate of First Class, Kovvur, West Godavari District, against the petitioner–accused No.7.

2. The offences alleged to have committed by the petitioner are punishable under Section 498-A read with 34 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act, 1961.

3. Learned counsel for the petitioner would submit that none of the statements of the witnesses would show the complicity of the petitioner nor there are allegations in the complaint nor the charge sheet reflects the allegations, so far as participation of the petitioner in the commission of the offences alleged against him is concerned. Learned counsel made an attempt to make out a case in favour of the petitioner for quashment of the proceedings in the said P.R.C. by reading the statements of the witnesses recorded under Section 161 Cr.P.C. He has also pointed out the contents in the charge sheet in un-numbered paragraph at page No.6 of the material papers where the Investigating Officer has stated that basing on the evidence of neighbours to the scene as well as elders, it is obviously established that petitioner – accused No.7 never visited the scene of offence and

the allegations levelled against him are untrue and hence, the accusation against the petitioner is not proved. That has been the core submission made by the learned counsel for petitioner and he requested this Court to ignore the concluding paragraph of the charge sheet and quash the proceedings in the said P.R.C. against the petitioner.

4. Learned Additional Public Prosecutor for the State of Andhra Pradesh resisted the request and his submission has been that, though, the petitioner is not related to the parties and, though, the penal provisions of Section 498-A would not attract, still, in view of the statements of the witnesses, including respondent No.2 - *de facto* complainant, referring to participation of the petitioner in uttering certain words, asking accused No.1 either to leave the *de facto* complainant or ask her to bring Rs.2,00,000/- and that if he contracts another marriage, in which case, he would get more dowry, is sufficient enough to attract the provisions of Sections 3 and 4 of Dowry Prohibition Act.

5. There is some force in the submission made by the learned Additional Public Prosecutor so far as the offences punishable under the provisions of Dowry Prohibition Act are concerned, in which case, it is not a fit case to quash the proceedings against the petitioner, merely basing on what has been mentioned by the Investigating

Officer in unnumbered paragraph referred to above. It is for the learned Magistrate to look into the allegations, statements of the witnesses and the accusations levelled against the petitioner herein, and arrive at an appropriate opinion when it takes up framing of charges.

6. Hence, the present Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

March 10, 2017.
MD

A. SHANKAR NARAYANA, J

