

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1788 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the accused viz., Praveen Murari, requesting to quash the proceedings in C.C. No.276 of 2016 on the file of Judicial Magistrate of First Class, Ramannapet, Nalgonda District.

2. The petitioner alleged to have committed the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. Admittedly, the petitioner and respondent No.2 - *de facto* complainant viz., Yellamla Ailaiah are son-in-law and father-in-law.

4. Heard Sri Soma Venkateswarlu, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

5. No notice is ordered to respondent No.2, though, the offence alleged is punishable under Section 138 of the Negotiable Instruments Act, keeping in view, the contentions raised by the learned counsel for the petitioner.

6. His submissions have been, firstly, the cheques were obtained while the petitioner was in the police custody on 28.01.2016 and, according to the learned counsel, perforce and under the police threat, the petitioner has executed three (3) cheques; second, that a Memorandum of Understanding as regards returning Rs.26.00 lakhs towards dowry amount, said to have been paid by respondent No.2 to the petitioner, is prohibited under law; and, the third that since the amount of Rs.26.00 lakhs relates to repayment of dowry, there cannot be any legally enforceable debt that can be construed.

7. Basic facts have been that the daughter of the *de facto* complainant was married to the petitioner on 06.12.2015, and, it appears they started living at Ramnagar, Hanamkonda; on 27.01.2016, according to the *de facto* complainant, his daughter, who is wife of the petitioner, died under suspicious circumstances at the house of the petitioner and a crime in that connection was registered against the petitioner in Crime No.30 of 2016 of Subedari Police Station, Hanamkonda. It appears, on 28.01.2016, an agreement was executed by the petitioner in favour of the *de facto* complainant agreeing to repay Rs.26.00 lakhs said to have paid by the *de facto* complainant to the petitioner. It is, in connection with the said amount of Rs.26.00 lakhs, the aforesaid submissions have been made.

8. Now the question is whether these aspects can be probed into in an application under Section 482 of Cr.P.C.? In my view, certainly, not. They relate to factual aspects. A regular probe has to be made by way of conducting trial by the competent Court.

9. Therefore, at this stage, it cannot be said that the proceedings in the aforesaid C.C., if continued, would amount to abuse of process of law. All the three contentions raised by the learned counsel, can be raised in the C.C. by eliciting answers when the *de facto* complainant steps into witness box.

10. Therefore, the Criminal Petition is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

March 7, 2017.

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