

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.725 of 2017

ORDER :

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the proceedings in C.C.No.979 of 2016 on the file of the Additional Judicial Magistrate of First Class, Srikakulam.

2. The petitioners herein are arraigned as A.2 to A.4, who are the parents and younger brother of the 1st accused, and alleged to have committed the offences punishable under Section 498-A IPC and Section 4 of the Dowry Prohibition Act, 1961.

3. Heard Smt.G.Srilatha, learned counsel, representing Sri P.Nagendra Reddy, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The submission of the learned counsel for the petitioners is that after the husband filed petition seeking divorce, which was registered as O.P.No.1079 of 2016 on the file of the Family Court, Ranga Reddy District, the present calendar case is initiated by the wife. Certain details have been referred to by the learned counsel for the petitioners.

5. It is the submission of the learned Counsel that the petitioners have been residing at different places and there was no chance for them to subject the 2nd respondent to any sort of harassment either physically or by demanding dowry as claimed by her and, therefore, sought to quash the proceedings.

6. Learned Additional Public Prosecutor would resist the same.

7. Perused the charge sheet and material placed on record. Precisely, the specific allegation against A.2 to A.4 is that they alleged to have demanded the 2nd respondent to bring the balance dowry amount of Rs.5,00,000/-. Since such demand was not fulfilled, the petitioners alleged to have subjected the 2nd respondent to ill-treatment, which has to be tested during trial. Certainly, it is not a case where the proceedings in the calendar case can be quashed by exercising the extraordinary power under Section 482 Cr.P.C.

8. Accordingly, the criminal petition is dismissed.

9. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

2nd February 2017.

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