HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 9301 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.684 of 2010 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad (in short 'the trial Court').

2. The brief facts of the case are that, on a complaint given by the 2nd respondent-defacto complainant on 27.03.2008, police registered a case in Crime No.99 of 2008 of the Women Police Station, CCS, DD, Hyderabad, under Section 498-A IPC against the petitioners/accused Nos.4 to 6 and other accused. In the complaint, the 2nd respondent stated that her marriage was performed with A1/K.Ravi Kumar on 04.08.2006 at Nara Chandra Babu Naidu Kalyanamandapam, Bapatla, Guntur District, as per Christian rites and customs. At the time of marriage, defacto complainant gave Rs.10 lakhs dowry. After marriage, her husband started harassing her physically and mentally to get additional dowry from her parents of the instigation of A2 to A6. It is alleged that her in-laws used to visit her house at Musheerabad frequently and instigate her husband to get additional dowry. The police, on receipt of the complaint investigated the matter and filed charge sheet against A1 to A6 stating that they have committed the offence punishable under Section 498A IPC. The case was registered as C.C.No.684 of 2010

on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. Aggrieved by the same, the petitioner A4 to A6 have sought for quashing of the C.C.No.684 of 2010.

3. Heard learned counsel for the petitioners, learned counsel for 2nd respondent and learned Public Prosecutor for the State.

4. Learned counsel for the petitioners submitted that the petitioners/A4 to A6 are only the mediators of the marriage between 2nd respondent and A1 and they are in no way connected with the family affairs of the accused, and they have not committed any offence. It is further submitted that there are no allegations against them for the offence punishable under Section 498A IPC, and therefore, the proceedings against them may be quashed.

5. Learned Public Prosecutor submits that the charge sheet reveals that there are specific allegations against the accused and, therefore, they are not entitled for quashing of proceedings in C.C.No.684 of 2010.

6. Learned counsel appearing for 2nd respondent also opposed for quashing of the proceedings stating that there are allegations against the petitioners in the charge sheet.

7. On consideration of the facts and circumstances of the case and in view of the fact that there are specific allegations against the petitioners in the charge sheet that they are the mediators

and at their instance, A1 started harassing 2nd respondent physically and mentally to get more dowry from her parents. Therefore, there are no valid grounds to quash the proceedings in this matter. The inherent powers of this Court under Section 482 Cr.P.C. cannot be exercised in this case. When FIR and charge sheet made out prima facie case against the accused, they are not entitled for quashing of the proceedings.

8. Learned counsel for the petitioners requested to dispense with the presence of the petitioners before the trial Court. The petitioners are given liberty to file a petition before the trial Court to dispense with their presence.

9. Accordingly, the criminal petition is dismissed giving liberty to the petitioners to approach the trial Court to dispense with their presence during the trial by filing a petition and the trial Court shall consider the same. Miscellaneous petitions, if any pending, shall also stand dismissed.

GUDISEVA SHYAM PRASAD, J.

05th October 2017

SSP / KSM

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

CRIMINAL PETITION No. 9301 of 2011

05th October 2017

SSP