

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.10980 of 2017****ORDER:**

This Criminal Petition under Section 482 Cr.P.C. is filed to quash the proceedings in CC No.307 of 2015 on the file of Judicial First Class Magistrate, Bellampally, registered for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

Respondent No.2/Dontha Manindra lodged a report with the police on 26.03.2015 alleging that her marriage with Accused No.1 was performed on 06.01.2013 and at the time of marriage, her parents paid Rs.4,00,000/- as dowry besides presentation of two tulas of gold bangles. After the marriage, they lived happily for some time. Thereafter, the accused started harassing her, for her failure to meet their illegal demand of additional dowry; her husband also encouraged her in laws to meet illegal demand of additional dowry and at the same time one Donta Surrender, Donta Harish and Donta Satish came to Suryapet where the *de facto* complainant and her husband living together and demanded for additional dowry as the amount being earned by their brother/A.1 is not sufficient. Accused No.1 also harassed her for failure to meet his illegal demand for payment of additional dowry. On the strength of allegations made in the complaint, the Bellampalli Police registered a crime against the petitioners and others and investigated into and filed charge sheet after completion of investigation.

The main contention of the learned counsel for the petitioners before this Court is that the petitioners were staying at distant places on the date of alleged harassment and the complaint did not disclose the date of demand for payment of additional dowry by all these

petitioners and the petitioners were prosecuting their studies as on the date of alleged demand for additional dowry at different places and thereby they did commit no offence punishable under Sections 498-A IPC and Sections 3 and 4 of D.P. Act.

Learned counsel for the petitioners contended that both the complaint lodged with the police and the statements recorded by the police during the investigation under Section 161 Cr.P.C. are silent as to the date and time and similarly there was no specific allegation against these petitioners in the charge sheet to constitute an offence punishable under Sections 498-A and 3 and 4 of DP Act. She drew the attention of this Court to the Certificate and Marks Lists issued by the Vinuthna College of Management to establish *prima facie* that the petitioners are residing at distance places and thereby the question of their coming over to Suryapet and demand for additional dowry does not arise. No doubt, the certificates issued by Vinuthna College discloses that Dontha Sathish was prosecuting PG Degree in the said college for the period from 2014 to 2016 and similarly, the Mark Lists etc., would show that the petitioners are away to the place of incident and in such case, the question of subjecting her to harassment does not arise.

As seen from the allegations made in the FIR and the Statements recorded by the Police under Section 161 Cr.P.C., though not substantial piece of evidence, the statements are consistent that all the three persons came to Suryapet and demanded the *de facto* complainant for additional dowry. It is not the case of the *de facto complainant* that she was staying along with the petitioners and constantly subjected her to cruelty. But her specific case is that all the three persons came to Suryapet demanded for payment of additional dowry. Therefore, the allegations in the charge sheet coupled with the

statements recorded by the police during investigation, would disclose that the petitioners committed an offence punishable under Section 498-A IPC and 3 and 4 of DP Act. Therefore, it is difficult to quash the proceedings at this stage by exercising inherent jurisdiction under Section 482 Cr.P.C., in view of the guidelines laid in *State of Haryana v. Bhajanlal and others*¹.

The other contention of the learned counsel for the petitioners is that in the absence of date and time based on bald allegations, the proceedings against these petitioners in C.C.No.307 of 2015 cannot be permitted. But, that is not a ground to quash the proceedings since it is a question of fact and that the FIR and statements recorded by the police are not the substantive piece of evidence and they are useful for limited purpose. Therefore, absence of minute details regarding the commission of offence is not a ground to quash the proceedings at this stage. Hence, the present Petition is devoid of merits and it is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 17.11.2017
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¹ 1992 Supp (1) SCC 335

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt. 17.11.2017

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