

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.829 OF 2018

ORDER:

This petition is filed by the petitioner-A4 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.210 of 2017 on the file of the I Addl. Junior Civil Judge, Gurazala, which took cognizance of the offences punishable under Sections 498-A r/w 34 IPC and 3 and 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner-A4 is not available at Dachepalli Mandal. He is working at different places. There is record to show the same. All the allegations are false. In order to harass the petitioner-A4, the de facto complainant and others foisted a false case and got filed the subject charge sheet and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioner in the petition.

5. The point for determination is whether the impugned proceedings levelled against the petitioner-A4 are liable to be quashed?

6. As per the F.I.R. lodged in this case, there is a specific allegation that the de facto complainant was abused by the petitioner and the petitioner along with other accused caused mental and physical harassment to the de facto complainant. There is record to show that A1 has addicted

to drinking liquor. There is also allegation that the petitioner and other accused abused L.Ws. 2 and 3 i.e., parents-in-law of A1. One month prior to the lodging of report with the police, the petitioner said to have gone to the de facto complainant, abused her in filthy language stating that her husband would not take her. He likes her and proposed her to come with him. A panchayat was held on 03.11.2016. In that panchayat, the petitioner said to have quarreled with the de facto complainant (wife of A1) along with other accused and demanded additional dowry. Whether the petitioner-A4 was present within the mandal of Dachepalli or not is required to be decided after full-fledged trial. So also, the other allegations levelled against the petitioner-A4.

7. Learned counsel for the petitioner-A4 had relied on a decision reported in **Y.SHAM KUMAR AND OTHERS V STATE OF A.P. AND ANOTHER**¹ and contended that the continuation of proceedings would be an abuse of process of law. As seen from the material on record, there are specific allegations constituting the offences referred supra. Therefore, it cannot be concluded that the continuation of proceedings would be an abuse of process of law. The petition is devoid of merit and is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 29-01-2018.
Hsd

¹ 2013 (3) ALT (CRI) 40