

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1230 OF 2018

ORDER:

This petition is filed by the petitioners-A2 and A3 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.200 of 2017 on the file of the II Addl. Judl. Magistrate of I class, Mancherial, which was taken cognizance of the offences punishable under Sections 498-A, 323 and 506 IPC and 3 and 4 of Dowry Prohibition Act.

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

3. Learned counsel for the petitioners would submit that the allegations made in the F.I.R. as well as in the charge sheet are absolutely false. The petitioners are living at different places. This case is foisted out of greed of wife and husband i.e., L.Ws.1 and 2. There are no circumstances to believe the prosecution case and ultimately, prayed to allow the petition.

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

5. As per the material placed on record, the de facto complainant and L.W.2 are wife and husband. The petitioner-A2 is the sister-in-law of the de facto complainant and the petitioner-A3 is the husband of A2. The marriage between the de facto complainant and L.W.2 took place on 02.12.2009 as per Hindu Customs and Usages. In the marriage, cash of Rs.4,00,000/- 6 tulas of gold ornaments and Rs.50,000/- towards adapaduchu katnam were

demanded and taken. The de facto complainant was harassed both mentally and physically by the petitioners-A2 and A3. There are allegations that the petitioners-A2 and A3 demanded the de facto complainant to bring additional dowry. When the de facto complainant expressed her inability to bring the amount, the petitioners started abusing her and threatened her with dire consequences. There are instances of A1 beating the de facto complainant. There are also specific allegations against the petitioner-A3 that he used to threaten the de facto complainant to kill her and her children. The de facto complainant was necked out of the house. There is no reason for L.W.2, who is brother of A2 to depose against the petitioners with regard to subject dowry demand and mental cruelty. The truth or otherwise of the allegations leveled against the petitioners would be determined after due trial. There are no circumstances to consider the request of the petitioners. The petition is devoid of merit and is liable to be dismissed.

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

DR.SHAMEEM AKTHER, J

DATED: 06-02-2018.

Hsd