

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2323 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners to quash the proceedings in C.C.No.526 of 2016 on the file of the XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, registered for the offences punishable under Sections 498-A and 406 of the Indian Penal Code and Sections 4 and 6 of the Dowry Prohibition Act.

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

Learned counsel for the petitioners would submit that these petitioners are Government Servants and they are living distantly from the family of A-1 and the *de facto* complainant. They did not indulge in any kind of harassment, and alleged dowry demand. These petitioners are nothing to do with the allegation made in FIR, as well as, the charge sheet filed against them. There is inconsistency in the DVC pleadings and the other cases instituted by the *de facto* complainant. The allegations do not constitute any offence, aforementioned, and ultimately, prayed to quash the proceedings against them.

Learned Assistant Public Prosecutor opposed the same.

The point for consideration is whether the proceedings in C.C.No.526 of 2016 are liable to be quashed.

As per the record placed before this Court, the marriage of the *de facto* complainant was performed with A-1 on 22.08.2014.

The *de facto* complainant belongs to Mala Community and A-1 belongs to Reddy Community. At the time of marriage, the parents of the *de facto* complainant gave Rs.4,00,000/- cash as dowry, 10 tulas gold, 20 tulas silver and other household articles worth Rs.1,00,000/-. After the marriage, the *de facto* complainant joined the company of A-1 and lead happy marital life for a period of six months. Thereafter, A-1 started ill-treating and harassing her physically and mentally on the instigation of the petitioners-A2 and A3, demanding for additional dowry of Rs.2,00,000/-. When she shown the inability of her parents, A-1 beat the *de facto* complainant on the instigation of A-2 and A-3. It is alleged that A-1 has got illegal contacts with one Sony Florence. It is also alleged against these petitioners that A-2 and A-3 along with A-1 are ill-treating the *de facto* complainant taking her caste and abusing her in filthy language. There is also specific allegation that on 22.07.2015, these petitioners along with A-1 picked up a quarrel with the *de facto* complainant and driven her out of the house with a warning i.e. until and unless their demand of dowry is fulfilled, they would not allow her to join the matrimonial house.

There were specific and grave allegations against the petitioners-A2 and A3. The fact of petitioners-A2 and A3 working in Government service is not a ground to quash the proceedings. Inconsistency in the DVC and other cases, if any, and their impact can only be determined after due trial of the impugned C.C. Under the circumstances, it cannot be said that the petitioners-A2 and A3 are not responsible for the allegations made in the charge sheet and they cannot be proceeded for the offences indicated above.

Continuation of proceedings against the petitioners-A2 and A3 is not an abuse of process of law.

The Criminal Petition is devoid of merits and is, accordingly, dismissed. Miscellaneous petitions, if any, pending shall stand dismissed.

(DR. SHAMEEM AKTHER, J)

14th March 2018
RRB

