

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2888 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.500 of 2017 on the file of the II Additional Judicial First Class Magistrate, Machilipatnam, Krishna District, for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioners submits that there are no allegations against these petitioners constituting the aforementioned offences and continuation of proceedings is abuse of process of law. Petitioners 2 and 3 are old-aged persons and they are suffering from health hazards. Hence, their personal attendance before the Court below may be dispensed with.

Learned Assistant Public Prosecutor opposed the same.

As per the record placed before this Court the marriage of the *de facto* complainant was performed with A-1 on 06.05.2015 and at the time of marriage, the mother of the *de facto* complainant gave an amount of Rs.2,50,000/- towards dowry, gold chain and ring etc to A-1. The couple lived happily for some time and thereafter, the petitioners started demanding the *de facto* complainant to get additional dowry of Rs.1,00,000/- and also allege that the dowry given in the marriage is very less. It is also alleged that if the *de facto* complainant does not get additional

dowry, petitioners 2 and 3 would perform marriage of A-1 with some other woman.

The truth or otherwise of the allegations would be decided during the course of trial. It cannot be said that the allegations do not constitute the aforementioned offences. Continuation of proceedings before the Court below is not abuse of process of law. If there is any health problem, the petitioners are at liberty to move an application before the Court below seeking dispensation of their presence.

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

13th March 2018
RRB



(DR. SHAMEEM AKTHER, J)