

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.5017 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C, is filed to quash the proceedings in Crime No.43 of 2018 of Kothagudem Police Station, Badradri, Kothagudem, registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Petitioners are accused Nos.1 to 3. Respondent No.2, who is the wife of petitioner No.1, filed a private complaint before the II Additional Judicial Magistrate of First Class, Kothagudem, for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, making a serious allegation that the petitioners subjected her to cruelty for her failure to meet the illegal demand of Rs.5.00 lakhs but the Magistrate by exercising power under Section 156 (3) Cr.P.C. referred the case to Station House Officer, Kothagudem II Town Police Station, Kothagudem for investigation and file report and, on the strength of reference under Section 156 (3) Cr.P.C, a case in Crime No.43 was registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, against the petitioners.

Challenging the very registration of Crime No.43 of 2018 against the petitioners, they requested to exercise power under Section 482 Cr.P.C. on the ground that there are no specific allegations against any of them.

Learned Public Prosecutor appearing for the State opposed the petition on the ground that the investigating agency has to follow the guidelines issued in **Rajesh Sharma Vs. State of U.P.**¹.

As per the guidelines issued by the Supreme Court in **Rajesh Sharma (1 supra)**, the investigating agency shall refer the case to family counseling centre constituted in above judgment etc. Hence, the Investigating Officer is directed to follow the guidelines of the Apex Court in **Rajesh Sharma (1 supra)**.

With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand disposed of.

Date:05.06.2018
usd

M.SATYANARAYANA MURTHY,J

¹ 2017 (2) ALT (CrI) 393 SC