

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 5219 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in C.C.No. 372 of 2017 on the file of the Court of learned Judicial I Class Magistrate at Nirmal (for short, 'the Court below') registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Petitioner Nos. 1 and 2 are husband and mother-in-law of respondent No. 2 respectively. The marriage between respondent No. 2 and petitioner No. 1 was performed on 11-06-2015 at Sri Laxminarasimha Swamy Temple, Nacharam, as per caste customs prevailed in their community and no formalities such as dowry *etc.*, took place since the marriage was a love marriage. Respondent No. 2 joined the company of petitioner No. 1 and led conjugal life only for two months. While the matter stood thus, petitioner No. 1, developing dislike towards respondent No. 2, started harassing her.

3. Respondent No. 2 lodged a report with the police and also filed O.P.No. 23 of 2017 on the file of the Court of learned Senior Civil Judge at Nirmal under Section 13 (1) (ia) of Hindu Marriage of Act for dissolution of the marriage. She specifically asserted in the report that she was subjected to cruelty for her failure to meet the illegal demand of the petitioners for payment of dowry of Rs.6,00,000/- from her parents. The report of respondent No. 2 was registered as a case in crime No. 22 of 2017 of Nirmal Rural Police Station for the above offences and issued F.I.R. During investigation, the police examined as many as eight witnesses and recorded their statements under Section 161 Cr.P.C. After collecting evidence, the investigating officer concluded that the petitioners

subjected respondent No. 2 to cruelty for her failure to meet their illegal demand for payment of dowry of Rs.6,00,000/-.

4. At the hearing, learned counsel for the petitioners reiterated the grounds urged in the petition.

5. Learned Public Prosecutor (T.S.) opposed the petition on the ground that there is material on record to proceed with trial against the petitioners.

6. A bare look at the contents of the petition shows that the petitioners did not raise any specific ground except ground No. 4, where it is contended that there is no iota of truth in the allegations made in the complaint. As seen from the material on record including the statements recorded by the police, it is clear that the petitioners *prima facie* subjected respondent No. 2 to cruelty for her failure to meet their illegal demand for payment of dowry. The question of truth is a matter of trial and at this stage, the Court cannot decide the truth or otherwise in the allegations made in the complaint. Therefore, on the ground that there is no truth in the allegations, this Court cannot quash the proceedings by exercising power under Section 482 of Cr.P.C.

7. Filing of O.P. by respondent No. 2 for dissolution of marriage on the ground that she was subjected to cruelty and reporting no objection for granting divorce will have no bearing on the issues involved in the present petition. Learned counsel for the petitioners, though challenged the proceedings in C.C.No. 372 of 2017 on the file of the Court below, did not produce copies of statements of the witnesses recorded by the police during investigation which form part of the final report. In the absence of such material, it is difficult to uphold the contention in the present petition.

8. In view of my foregoing discussion, I find no ground to quash the proceedings at this stage. Consequently, the petition is liable to be dismissed.

8. The criminal petition is accordingly dismissed. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 05-06-2018.

JSK

M.SATYANARAYANA MURTHY, J.

