

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 5423 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. 488 of 2016 on the file of the Court of learned III Metropolitan Magistrate at L.B. Nagar, Ranga Reddy District, registered for the offence punishable under Section 498-A of IPC.

2. Respondent No. 1- the *de facto* complainant lodged a report with the police on 19-02-2016 making serious allegations against the petitioner-accused No. 5 and accused Nos. 1 to 4 that she was subjected to cruelty for her failure to meet the illegal demand of the accused for payment of additional dowry. Basing on the above report, a case in crime No. 106 of 2016 of Medipally Police Station, Cyberabad, was registered for the offence referred *supra* and issued F.I.R. During investigation, the police examined as many as seven witnesses and after completion of investigation, charge sheet was filed finding that there is *prima facie* material against the accused to proceed with trial for the offence punishable under Section 498-A of IPC.

3. In the present petition, the contention of learned counsel for the petitioner is that the petitioner is sister of the husband of respondent No. 1 and she is living with her husband at Chennai but as seen from the allegations made in the report as well as the statements of the witnesses recorded during investigation, the accused demanded respondent No. 1 to bring additional dowry from her parents and subjected her to cruelty for her failure to meet their illegal demand of payment of additional dowry. Therefore, there is *prima facie* material against the petitioner to proceed with trial for the offence punishable under Section 498-A of IPC. Whether or not the petitioner has been living at a different place from the

date of marriage of respondent No. 1 with accused No. 1 is a question of fact to be decided at the end of trial. While exercising power under Section 482 of Cr.P.C., this Court is not expected to appreciate evidence except evaluating the material available on record. In view of the limited scope, except evaluating the statements filed along with the charge sheet and the allegations made in the charge sheet, this Court cannot undertake any other exercise of appreciation of material on record. The Court has to verify whether or not the allegations made in the charge sheet would constitute any offence if accepted on its face value. In the case on hand, the allegations made in the charge sheet coupled with the statements recorded by the police during investigation would certainly disclose prima facie that the petitioner also actively participated in subjecting respondent No. 1 to cruelty for her failure to meet the illegal demand for payment of additional dowry. Therefore, I find that it is not a fit case to quash the proceedings exercising power under Section 482 of Cr.P.C. and the petition is liable to be dismissed.

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

Date: 12-06-2018.

JSK

M.SATYANARAYANA MURTHY, J.