

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRL.R.C.No.1670 of 2018

ORDER:

Heard the counsel for petitioner and the learned Public Prosecutor appearing for the 4th respondent.

2. The present Criminal Revision Case is filed questioning the order passed in SR.No.7031 of 2017 dated 17.04.2018 in taking cognizance of offences under Sections 420 and 506 of IPC against the respondents 1 to 3 on the file of the Court of Judicial Magistrate of 1st Class, Palakol.

3. The facts of the case are that at the time of marriage of the 1st respondent herein with the son of petitioner/defecto-complainant, it is informed that 1st respondent herein studied M.A.Computers and her age is 25 years. It was also represented that the height of 1st respondent is 5ft.6 inches. After one month of the marriage, the defacto complainant realized that the 1st respondent is elder to his son and she has studied only upto 10th class. Her height is also not 5ft.6inches. Basing on that, petitioner herein lodged complaint against the respondents 1 to 3 for the offences under Sections 420 and 506 IPC.

4. However, the learned Magistrate after recording the sworn statement of petitioner herein and 3 other witnesses, opined that the petitioner herein was negligent in ascertaining the height, qualification and age of the 1st respondent before performing her marriage with his son and therefore, he found no merits in the complaint and dismissed the same by order dated 17.04.2018.

5. Aggrieved by the same, the present Criminal Revision Case is filed.

6. Learned counsel appearing for the petitioner would submit that the petitioner has made out a *prima facie* case against respondents 1 to 3 for the commission of offences under 420 and 506 IPC since they have suppressed the material particulars.

7. Having heard the counsel for petitioner and after perusal of the material on record, this Court feels that the petitioner ought to have verified the age and qualifications of the 1st respondent prior to the marriage. However, after one month of marriage it is not open for him particularly with regard to height, age of the petitioner. Therefore, this Court opines that there is no irregularity or illegality in the order

passed by the learned Magistrate in dismissing the complaint at the stage of cognizance itself.

8. For the above reasons, this Criminal Revision Case is dismissed.

9. Miscellaneous petitions, if any, pending, shall stand closed.

P. KESHAVA RAO, J

Dt: 05.07.2018
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