

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P. No.8625 OF 2018

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.,877 of 2017, pending on the file of III Metropolitan Magistrate, Cyberabad, Ranga Reddy District at L.B.Nagar, registered for the offence punishable under Section 498-A IPC.

The 2nd respondent – Puja Sri, wife of the petitioner lodged report with the police making serious allegations that the petitioner and his family members harassed her physically and mentally and forced her to bring additional dowry. On the strength of the written report, Crime No.651 of 2016 was registered and issued FIR. Basing on FIR, the Sub-Inspector of Police, Medipally Police Station, took up investigation and examined as many as seven witnesses and recorded their statements under Section 161(3) Cr.P.C., having concluded that there is sufficient material to proceed against the petitioner before the Magistrate, the Magistrate took cognizance of offence and issued summons to the witnesses, but the petitioner did not appear before the Court, being a non-resident Indian and working at Bangkok and still the case is pending.

The charge sheet discloses that the marriage of the petitioner with the 2nd respondent was performed on 19.02.2014 and it is love-cum-arranged marriage, at Lakshmi Narsimha Gardens. At the time of marriage, parents of the 2nd respondent paid Rs.10 lakhs in cash and 10 tulas of gold, household articles as dowry and the 2nd respondent joined her matrimonial life and she faced lot of trouble. Later, gave a complaint to the police. But it was settled on the terms accepted by the petitioner. i.e. he will look after the *de facto* complainant properly. Again the petitioner started subjecting her to cruelty and one such incident took place in the month of September,

2016 when the petitioner beat the *de facto* complainant indiscriminately while demanding to pay additional dowry, and threatened, that he will not lead marital life with her and left to Bangkok. Based on the incident charge sheet is filed.

The main contention of the petitioner is that false allegations were made against him and he is staying away from India in connection with his employment and he is ready to face trial coming down to Hyderabad and requested to provide necessary protection to the petitioner or otherwise quash the proceedings.

During hearing, learned counsel for the petitioner while drawing attention to the allegations made in the complaint and the statements recorded by the police under Section 161(3) Cr.P.C. requested to provide protection and direct the police not to seize the passport.

The power of this Court under Section 482 Cr.P.C. can be exercised only in exceptional circumstances where the allegations made in the complaint or FIR taken on its face value accepting in its entirety would not, *prima facie*, constitute an offence, or where the complaint is filed as an abuse of process of law to wreak vengeance utilizing the criminal law as a tool to harass the petitioner. But in the present case, the statements recorded by the police directly pointing that the petitioner being the husband of the 2nd respondent subjected her to cruelty even in the month of September, 2016 while demanding to bring additional dowry with a threat that he will not lead marital life in case she did not meet the demand and this is supported by the statement of one P.Venkatesh, father of the 2nd respondent and other witnesses. Therefore, the material on record *prima facie* sufficient to proceed against the petitioner for the offence punishable under Section 498-A IPC and at the same time, this Court cannot provide any protection to the petitioner in anticipation of seizure of passport by the

police and that the criminal petition is liable to be dismissed as the petitioner successfully avoided his arrest during investigation and also failed to face the trial till date.

Accordingly, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

16.08.2018
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M.SATYANARAYANA MURTHY,J

