

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1808 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 & A.2, to quash the proceedings in C.C.No.22 of 2018 on the file of the Judicial Magistrate of First Class (Mobile) under PCR Act-cum-III Additional Junior Civil Judge, Nizamabad, registered for the offences punishable under Sections 498A of IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. Heard the petitioners/A.1 & A.2, who are appearing as party-in-persons, the learned Additional Public Prosecutor representing the 1st respondent State and perused the record.

3. It has been contended by the first petitioner/A.1 that the marriage between him and the de-facto complainant is a nullity. No demand of dowry was made at any point of time. All the allegations against the petitioners/A.1 & A.2 are false. Further, it is also contended that for the last twenty months or so, trial has not commenced in the subject Calendar Case and ultimately prayed to allow the application.

4. As per the material placed on record, there are allegations against both the petitioners/A.1 & A.2. The marriage in between the first petitioner/A.1 and the de-facto complainant was performed on 13.11.2011. At the time of marriage, an amount of Rs.3,00,000/-, seven tulas of gold and utensils worth

Rs.1,00,000/- were given as dowry. Even after getting the same, the victim/wife of the first petitioner was harassed and tortured physically and mentally to get an additional dowry of Rs.2,00,000/- from her parents. There is material to establish the allegations constituting offences punishable under Section 498A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, against the petitioners/A.1 & A.2. The trial Court, having examined the whole issue, framed charges for the said offences against the petitioners/A.1 & A.2. The only course available to the petitioners/A.1 & A.2 is to proceed with the trial of the case. Delay in commencement of trial is not a ground to quash the proceedings. However, the trial Court is directed to expedite the trial of the subject Calendar Case. The Criminal petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

02nd April, 2019
Bvv

Dr. SHAMEEM AKTHER, J