

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRL.P.Nos. 11271, 11928 and 13530 OF 2013

COMMON ORDER:

These three criminal petitions are filed by petitioners/A-2 to A-4 individually under Section 482 Cr.P.C to quash the proceedings against them in C.C.No.178 of 2013, on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad.

2. Heard learned counsel for the petitioners/A-2 to A-4 and the learned Assistant Public Prosecutor for the second respondent/State.

3. Though notice is served upon the first respondent, no appearance is entered on her behalf.

4. A private complaint was filed by the first respondent and the same was referred to the police who, in turn, registered a case against the petitioners herein and another for the offences punishable under Sections 498-A, 506 IPC and Sections 4 and 6 of Dowry Prohibition Act.

5. A-1 by name Khaja Farrazuddin Sheriff is the husband, A-2 is mother of A-1, A-3 and A-4 are paternal uncle and aunt of A-1.

6. The first respondent alleged in the complaint that her marriage with A-1 was performed on 19.10.2010 and on account of pressure and assurances of petitioners, she agreed for her marriage with A-1 though he was deaf and dumb by birth. At that time all the accused persons demanded her parents to spend more than 20.00 lakhs by giving jewellery, costly Jahez articles and other items. After the marriage, she joined A-1 and she was not treated well degraded her by comparing financial status of her parents. The main allegation against petitioners/A-2 to A-4 is that in the month of January, 2013 A-2 instigated A-1 to beat the first respondent and A-2 slapped her and also pushed her on floor and A-3 and A-4 instigated A-1 and A-2 to beat her. It is also alleged that the first respondent was divorced at her parents house in the month of February along with D.D. of Mehar amount and iddath period maintenance. The entire jewellery, Jahaz articles are in the custody of accused and they are trying to dispose of the same.

7. Learned counsel for the petitioners submits that the allegations in the complaint false. The petitiobor/A-2 is residing in Bangalore, A-1 is residing in Dubai and after the marriage the first

respondent joined A-1 in Dubai. Due to adverse behaviour of the first respondent, A-1 divorced her and sent D.Ds for Iddath period and maintenance. The allegation against petitioner/A-4 is that she instigated A-1 and A-2 to beat her and threw her on the roads. It is also alleged that petitioners/A-3 and A-4 provoked A-1 and on such provocation, A-1 slapped the first respondent. The said allegations did not attract the provisions of Section 498-A, 506 IPC and Sections 4 and 6 of the Dowry Prohibition Act.

8. Learned counsel further submitted that petitioners/A-2 to A-4 are implicated without there being any specific allegations attracting the alleged offences. In support of his contentions, the learned counsel relied on the Apex Court judgment of **Preeti Gupta v.State of Jharkhand**¹.

9. In **Preeti Gupta v.State of Jharkhand**², the Apex Court held as under:

24. A three-Judge Bench (of which one of us, Bhandari, J. was the author of the judgment) of this Court in *Inder Mohan Goswami and Another v. State of Uttaranchal & Others* (2007) 12 SCC 1 comprehensively

¹ (2010)7 Supreme Court Cases 667

² (2010)7 Supreme Court Cases 667

examined the legal position. The court came to a definite conclusion and the relevant observations of the court are reproduced in para 24 of the said judgment as under:-

"Inherent powers under section 482 Cr.P.C. though wide have to be exercised sparingly, carefully and with great caution and only when such exercise is justified by the tests specifically laid down in this section itself. Authority of the court exists for the advancement of justice. If any abuse of the process leading to injustice is brought to the notice of the court, then the Court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the Statute."

10. On careful perusal of the averments of the complaint and the statement of the second respondent recorded at the time of filing of the complaint, there are specific allegations against the petitioners/A-2 to A-4 and A-1 *prima facie* constituting the cognizable offences justifying the registration of the case by the learned Magistrate. Therefore, I am of the view that it is not a fit case to invoke the powers under Section 482 Cr.P.C. and to quash the proceedings.

11. The criminal petition is, accordingly, dismissed. Pending miscellaneous petitions, if any, stand closed.

A.SANTHOSH REDDY, J

27.04.2022

Nvl