

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1473 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioners/A-2 and A-3 to quash the proceedings in CC No.760 of 2021 on the file of the learned Additional Junior Civil Judge, Gurazala.

2. A charge sheet has been filed against the petitioners herein and others for the offences punishable under Section 498A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

3. Case of the prosecution, in brief, is that, marriage between the *de facto* complainant and A-1 was performed about 6 years back and at the time of marriage the parents of the *de facto* complainant gave cash of Rs.1,50,000/- and one sovereign of gold ring to A-1 as dowry. After one year of their marriage, they blessed with a son. Then, A-1 to A-6 started harassing the *de facto* complainant both physically and mentally by demanding additional dowry. Further, A-2 harassed the *de facto* complainant alleging that her son was not born through A-1. On 25.07.2021, A-1 to A-6 went upon the *de facto* complainant and her daughter and poured petrol on them by demanding additional dowry,

otherwise leave their house. On hearing the cries of the *de facto* complainant, neighbours came there and rescued them.

4. Learned counsel for the petitioners herein, after arguing for some time, has confined his argument to the extent of dispensing with the presence of the petitioners herein before the trial Court.

5. On the other hand, learned Assistant Public Prosecutor submitted that the averments contained in the charge sheet are all disputed questions of fact which can be decided during the course of trial.

6. Since the accusations that have been made as against the petitioners herein in the charge sheet are all disputed questions of fact the same can be decided during the course of trial and this Court, in a petition filed under Section 482 Cr.P.C., could not be in a position to conduct a roving enquiry into the disputed questions of fact and quash the proceedings at this stage.

7. In view of the aforesaid facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners herein. However, presence of the petitioners herein/A-2 and A-3 only before the trial Court is dispensed with, except on those

dates when the learned Magistrate feels that their presence is necessary.

8. Accordingly, the Criminal Petition is disposed of.

9. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

K. SREENIVASA REDDY, J.

Date:24.02.2023
Nsr

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1473 of 2023

Date:24.02.2023

Nsr