

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CRIMINAL PETITION No.405 of 2021**

**ORDER:-**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") is filed seeking quash of charge sheet in C.C.No.653 of 2020 on the file of learned Additional Junior Civil Judge, Tenali, Guntur District.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for 1<sup>st</sup> respondent/the State.

3. The petitioner is A-4 in C.C.No.653 of 2020 on the file of learned Additional Junior Civil Judge, Tenali, Guntur District. She has been facing prosecution for the offences punishable under Section 498A IPC and Section 3 and 4 of the Dowry Prohibition Act. On a report lodged by the 2<sup>nd</sup> respondent, who is the *de facto* complainant, alleging that her husband, who is A-1, and her parents-in-law, who are A-2 and A-3 and the petitioner, who is A-4 and sister of A-1, have all subjected her to cruelty with a demand for additional dowry, police registered F.I.R and investigated the same. After completion of the investigation and having found that there is *prima facie* evidence against the accused including the petitioner herein regarding commission of the aforesaid offences as per the allegations set out in the F.I.R, charge sheet has been filed in this case. Now the said case is pending trial in the trial Court.

4. Learned counsel for the petitioner would submit that there is absolutely no allegation against the petitioner herein, who is A-4, regarding any harassment said to have been caused to the *de facto*

complainant and only omnibus allegations have been made against her and as such launching of criminal prosecution against her in the said facts and circumstances of the case amounts to abuse of process of law and thereby sought for quash of the charge sheet.

5. As can be seen from the charge sheet, it is clearly stated that A-2 to A-4 prevented the *de facto* complainant to share her bed with A-1, who is her husband, and that they also demanded the *de facto* complainant to bring additional dowry. It is further stated in the charge sheet that A-2 to A-4 are demanding the *de facto* complainant to arrange cash of Rs.10,00,000/- towards additional dowry and then only that they will allow her to lead conjugal life with A-1. Even in the statement of *de facto* complainant given under Section 161 Cr.P.C also it is clearly stated by her that the petitioner herein, who is A-4, also along with the other accused demanded additional dowry from her. Therefore, when there is specific allegation made against the petitioner, who is A-4, in the statement of the *de facto* complainant and when it is also found during the course of investigation that the petitioner also demanded additional dowry from the *de facto* complainant along with other accused, it cannot be said that only omnibus allegations are made against her. Whether the said evidence is true or not is the matter to be decided during the course of trial and in the final adjudication of the case by the trial Court on appreciation of evidence that is adduced before the trial Court. This Court, in a petitioner filed under Section 482 Cr.P.C, cannot appreciate the evidence on record. It is the task of the trial Court to appreciate the

evidence on record to find out the veracity of the evidence given by the witnesses. Therefore, when there is *prima facie* evidence on record in proof of complicity of the petitioner in commission of the said offence, it cannot be said that launching of criminal prosecution against the petitioner amounts to abuse of process of law. So, this Court does not see any valid legal ground warranting its interference in exercise of its inherent powers under Section 482 Cr.P.C to quash the charge sheet.

6. In the result, the Criminal Petition is dismissed.

Miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date: 29-01-2021

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