

(2014) 08 AP CK 0070

Andhra Pradesh High Court

Case No: CRL. P. 6 No. 8993 of 2011

Edara Sambasiva Prasad

APPELLANT

Vs

The State

RESPONDENT

Date of Decision: Aug. 22, 2014

Acts Referred:

- Constitution of India, 1950 - Article 21
- Criminal Procedure Code, 1973 (CrPC) - Section 161, 209, 482
- Penal Code, 1860 (IPC) - Section 107, 109, 306, 309, 34

Citation: (2015) 1 ALD(Cri) 434

Hon'ble Judges: T. Sunil Chowdary, J

Bench: Single Bench

Advocate: Masthan Naidu, Advocate for the Appellant; M. Chalapathi Rao, Advocate for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

T. Sunil Chowdary, J.

This petition is filed u/s 482 Cr.P.C. to quash the proceedings in S.C. No. 225 of 2011 on the file of Additional Assistant Sessions Judge, Mangalagiri.

2. Sri Ch. Masthan Naidu, the leaned counsel for the petitioners submitted that the criminal proceedings against the petitioners are liable to be quashed for the following reasons:

- The allegations made in the charge sheet do not satisfy the basic ingredients of Section 107 and 306 IPC,
- The petitioners were falsely implicated in this case by the de-facto complainant with a malafide intention, and

iii. There is no nexus between the alleged incident of uttering the words by the petitioners and suicide committed by the deceased.

3. Per contra, Sri M. Chalapathi Rao, the learned counsel for the second respondent would submit that as the allegations made in the charge sheet constitute the offences alleged to have been committed by the petitioners, this is not a fit case to quash the proceedings against the petitioners by invoking the inherent jurisdiction u/s 482 Cr.P.C.

4. Before advertng to the factual aspects of the case, I feel it apt to refer to the case law cited by both the counsel. The learned counsel for the petitioners relied on the following decisions to impress upon the Court that the alleged act committed by the petitioners would not attract the basic ingredients of Section 306 IPC.

i. Swamy Prahaladdas Vs. State of M.P. and another wherein the Hon"ble apex Court observed that the words which are casual in nature and which are often employed in the heat of moment between quarrelling people will not attract the provisions of Section 306 IPC.

ii. V. Shankaraiah Vs. State of A.P. wherein this Court at para No. 7 held as under:

Since there is no averment in the charge sheet, or material on record, to show that petitioner either induced the deceased to commit suicide or aided the suicide of the deceased, he is not liable to be charge-sheeted for an offence u/s 306 IPC. Therefore, P.R.C. No. 72 of 2001 on the file of the Court of Judicial First Class Magistrate, (East and North) Ranga Reddy District, against the petitioner, who is shown as A-3 therein, is quashed.

iii. Sanju Alias Sanjay Singh Sengar Vs. State of M.P. wherein the Hon"ble apex Court observed that accused cannot be convicted u/s 306 IPC if the suicide was not proximate to the quarrel.

iv. Sonti Rama Krishna Vs. Sonti Shanti Sree and Another wherein it was held that it is fairly well settled that words uttered in a fit of anger or emotion without any intention cannot be termed as instigation.

v. Madan Mohan Singh Vs. State of Gujarat and Anr. wherein the Hon"ble apex Court at para No. 8 held as under:

In spite of our best efforts and microscopic examination of the suicide note and the FIR, all that we find is that the suicide note is a rhetoric document in the nature of a departmental complaint. It also suggests some mental imbalance on the part of the deceased which he himself describes as depression. In the so-called suicide note, it cannot be said that the accused ever intended that the driver under him should commit suicide or should end his life and did anything in that behalf. Even if it is accepted that the accused changed the duty of the driver or that the accused asked him not to take the keys of the car and to keep the keys of the car in the office itself,

it does not mean that the accused intended or knew that the driver should commit suicide because of this. In order to bring out an offence u/s 306, IPC specific abetment as contemplated by Section 107, IPC on the part of the accused with an intention to bring out the suicide of the concerned person as a result of that abetment is required. The intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for this particular offence u/s 306, IPC. We are of the clear opinion that there is no question of there being any material for offence u/s 306, IPC either in the FIR or in the so-called suicide note.

vi. M. Mohan Vs. State Represented by the Deputy Superintendent of Police wherein the Hon''ble apex Court held at Para Nos. 50 and 51 as under:

50. Undoubtedly, the deceased had died because of hanging. The deceased was undoubtedly hyper-sensitive to ordinary petulance, discord and differences which happen in our day-to-day life. In a joint family, instances of this kind are not very uncommon. Human sensitivity of each individual differs from person to person. Each individual has his own idea of self-esteem and self-respect. Different people behave differently in the same situation. It is unfortunate that such an episode of suicide had taken place in the family. But the question remains to be answered is whether the appellants can be connected with that unfortunate incident in any manner?

51. On a careful perusal of the entire material on record and the law, which has been declared by this Court, we can safely arrive at the conclusion that the appellants are not even remotely connected with the offence u/s 306 of the I.P.C. It may be relevant to mention that criminal proceedings against husband of the deceased Anandraj (A-1) and Easwari (A-3) are pending adjudication.

5. Per contra, the learned counsel for the second respondent relied on the following decisions:

i. Amalendu Pal Alias Jhantu Vs. State of West Bengal wherein the Hon''ble apex Court held at para Nos. 10 as under:

10. The legal position as regards Sections 306 IPC which is long settled was recently reiterated by this Court in the case of Randhir Singh v. State of Punjab as follows in paras 12 and 13:

12. Abetment involves a mental process of instigating a person or intentionally aiding that person in doing of a thing. In cases of conspiracy also it would involve that mental process of entering into conspiracy for the doing of that thing. More active role which can be described as instigating or aiding the doing of a thing is required before a person can be said to be abetting the commission of offence u/s 306 IPC.

13. In State of W.B. v. Orilal Jaiswal this Court has observed that the courts should be extremely careful in assessing the facts and circumstances of each case and the

evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it transpires to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

ii. Kishori Lal Vs. State of M.P. wherein the Hon"ble apex Court held at para No. 6 as under:

6. Section 107 IPC defines abetment of a thing. The offence of abetment is a separate and distinct offence provided in the Act as an offence. A person, abets the doing of a thing when (1) he instigates any person to do that thing; or (2) engages with one or more other persons in any conspiracy for the doing of that thing; or (3) intentionally aids, by act or illegal omission, the doing of that thing. These things are essential to complete abetment as a crime. The word "instigate" literally means to provoke, incite, urge on or bring about by persuasion to do any thing. The abetment may be by instigation, conspiracy or intentional aid, as provided in the three clauses of Section 107. Section 109 provides that if the act abetted is committed in consequence of abetment and there is no provision for the punishment of such abetment, then the offender is to be punished with the punishment provided for the original offence. "Abetted" in Section 109 means the specific offence abetted. Therefore, the offence for the abetment of which a person is charged with the abetment is normally linked with the proved offence.

iii. State of Haryana Vs. Surinder Kumar wherein the Hon"ble apex Court held at Para No. 4 as under:

4. On the basis of the facts and circumstances disclosed by the police statement, the trial Court framed charge against the respondent for the offence punishable u/s 306 IPC. The respondent challenged framing of the charge by filing a revision petition in the High Court. It was allowed by the High Court on the ground that the suicide was committed 20 days after he was accused of stealing 10 gm of gold. In our opinion, the High Court was not justified in quashing the charge at that stage holding that the suicide was not as a result of abetment by the respondent. Whether it was so or not will have to be decided on the basis of the evidence which the prosecution may present before the Court.

iv. Chitresh Kumar Chopta Vs. State (Government of NCT of Delhi) wherein the apex Court held at para Nos. 14 to 19 as under:

14. Therefore, the question for consideration is whether the allegations levelled against the appellant in the FIR and the material collected during the course of

investigations, would attract any one of the ingredients of Section 107 IPC?

15. As per clause firstly in the said Section, a person can be said to have abetted in doing of a thing, who "instigates" any person to do that thing. The word "instigate" is not defined in the IPC. The meaning of the said word was considered by this Court in Ramesh Kumar Vs. State of Chhattisgarh.

16. Speaking for the three-Judge Bench, R.C. Lahoti, J. (as His Lordship then was) said that instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of "instigation", though it is not necessary that actual words must be used to that effect or what constitutes "instigation" must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. Where the accused had, by his acts or omission or by a continued course of conduct, created such circumstances that the deceased was left with no other option except to commit suicide, in which case, an "instigation" may have to be inferred. A word uttered in a fit of anger or emotion without intending the consequences to actually follow, cannot be said to be instigation.

17. Thus, to constitute "instigation", a person who instigates another has to provoke, incite, urge or encourage doing of an act by the other by "goad" or "urging forward". The dictionary meaning of the word "goad" is "a thing that stimulates someone into action: provoke to action or reaction" (See: Concise Oxford English Dictionary); "to keep irritating or annoying somebody until he reacts" (See: Oxford Advanced Learner's Dictionary-7th Edition).

18. Similarly, "urge" means to advise or try hard to persuade somebody to do something or to make a person to move more quickly and or in a particular direction, especially by pushing or forcing such person. Therefore, a person who instigates another has to "goad" or "urge forward" the latter with intention to provoke, incite or encourage the doing of an act by the latter.

19. As observed in Ramesh Kumar's case (14 supra), where the accused by his acts or by a continued course of conduct creates such circumstances that the deceased was left with no other option except to commit suicide, an "instigation" may be inferred. In other words, in order to prove that the accused abetted commission of suicide by a person, it has to be established that:

(i) the accused kept on irritating or annoying the deceased by words, deeds or wilful omission or conduct which may even be a wilful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or wilful omission or conduct to make the deceased move forward more quickly in a forward direction; and

(ii) that the accused had the intention to provoke, urge or encourage the deceased to commit suicide while acting in the manner noted above. Undoubtedly, presence of mens rea is the necessary concomitant of instigation.

6. The learned counsel for the petitioner submitted that this Court can quash the criminal proceedings by exercising inherent jurisdiction u/s 482 Cr.P.C. to prevent the abuse of process of the court. To substantiate the arguments, he has drawn my attention to the following decisions:

i. G. Sagar Suri and another Vs. State of U.P. wherein the Hon"ble apex Court at para No. 8 held as under:

Jurisdiction u/s 482 of the Code has to be exercised with a great care. In exercise of its jurisdiction High Court is not to examine the matter superficially. It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction u/s 482 of the Code, Jurisdiction-under this Section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice.

ii. Manoj Mahavir Prasad Khaitan Vs. Ram Gopal Poddar and Another wherein the Hon"ble apex Court held at para No. 12 as under:

We reiterate that when the criminal Court looks into the complaint, it has to do so with the open mind. True it is that that is not the stage for finding out the truth or otherwise in the allegations; but where the allegations themselves are so absurd that no reasonable man would accept the same, the High Court could not have thrown its arms in the air and expressed its inability to do anything in the matter. Section 482 Cr.P.C. is a guarantee against injustice. The High Court is invested with the tremendous powers thereunder to pass any order in the interest of justice. Therefore, this would have been a proper case for the High Court to look into the allegations with the openness and then to decide whether to pass any order in the interests of justice. In our opinion, this was a case where the High Court ought to have used its powers u/s 482 Cr.P.C.

7. The learned counsel for the second respondent has drawn my attention to the following decisions in support of his contention that this is not a fit case to quash the proceedings:

i. Padal Venkata Rama Reddy @ Ramu Vs. Kovvuri Satyanarayana Reddy and others wherein the Hon"ble apex Court held thus:

In a proceeding instituted on a complaint, exercise of inherent powers to quash the proceedings is called for only in a case in which complaint does not disclose any offence or is frivolous, vexatious or oppressive. There is no need to analyse each and every aspect meticulously before the trial to find out whether the case would end in conviction or acquittal. The complaint has to be read as a whole. The statement of witnesses made on oath to be verified in full and materials put forth in the

chargesheet ought to be taken note of as a whole before arriving any conclusion. It is the material concluded during the investigation and evidence led in court which decides the fate of the accused persons.

ii. Umesh Kumar Vs. State of Andhra Pradesh wherein the Hon"ble apex Court at para Nos. 13 to 15 held as under:

13. In Rajiv Thapar v Madan Lal Kapoor this Court while dealing with the issue held as follows:

Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court u/s 482 of the Code of Criminal Procedure:

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the material is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

14. In State of Bihar v. P.P. Sharma & amp; Anr., this Court dealt with an issue of whether an application u/s 482 Cr.P.C. for quashing the charge sheet should be entertained before cognizance is taken by a criminal court and held as under:-

Quashing the charge-sheet even before cognizance is taken by a criminal Court amounts to killing a still born child. Till the criminal Court takes cognizance of the offence there is no criminal proceedings pending. I am not allowing the appeals on the ground alternative remedies provided by the Code as a bar. It may be relevant in an appropriate case. My view is that entertaining the writ petitions against charge-sheet and considering the matter on merit on the guise of prima facie evidence to stand on accused for trial amounts to pre-trial of a criminal trial. It is not to suggest that under no circumstances a writ petition should be entertained. The charge-sheet and the evidence placed in support thereof form the base to take or refuse to take cognizance by the competent Court. It is not the case that no offence has been made out in the charge sheets and the First Information Report.

15. The issue of malafides loses its significance if there is a substance in the allegation made in complaint moved with malice.

In *Sheo Nandan Paswan v. State of Bihar & Ors* this Court held as under:

It is a well-established proposition of law that a criminal prosecution, if otherwise justifiable and based upon adequate evidence does not become vitiated on account of mala fides or political vendetta of the first informant or complainant.

8. The following uncontroverted facts can be culled out from the record. On 06.03.2010, the second respondent/de-facto complainant submitted a complaint to the Station House Officer, Mangalagiri Rural Police Station, who in turn, registered a case in Cr. No. 31 of 2010 for the offence u/s 306 R/w. 34 IPC against the petitioners. After completion of investigation, the investigating officer laid charge sheet against the petitioners for the offence u/s 306 R/w. 34 IPC. The learned Additional Junior Civil Judge, Mangalagiri, after satisfying himself, prima facie, with the material available on record, has taken cognizance of the offence u/s 306 R/w. 34 IPC against the petitioners and numbered the charge sheet as PRC No. 71 of 2010 and committed the case to the Sessions division, Guntur as contemplated u/s 209 Cr.P.C. The learned District Judge, Guntur has taken the case on file and numbered it as S.C. No. 225 of 2011 and made over the same to the Assistant Sessions Judge Court, Mangalagiri for trial and disposal.

9. Record reveals that the second respondent has one daughter and one son. The marriage of the daughter of the second respondent by name Bhargavi was performed with the first petitioner on 24.08.2008 as per Hindu rites and caste custom at Pedda Vadlapudi. Immediately after the marriage, Bhargavi joined with the first petitioner to lead marital life. The record further reveals that within a short period after the marriage, the first petitioner went to Sharjah on securing job. On 23.10.2008, Bhargavi went to Sharjah and there she conceived. Thereafter she came back to India on 08.03.2009 and gave birth to a male child on 31.07.2009. On 30.08.2009 the first petitioner came to India and visited the house of the second respondent to see his son. Again the first petitioner went to Abudabi on getting a new job. On 04.03.2010 the wife of the second respondent by name Kanyakumari @ Jyothi (hereinafter referred to as the deceased) attempted to commit suicide by hanging to ceiling fan in their house. Immediately she was shifted to NRI hospital at Mangalagiri for treatment, where she died on 06.03.2010 while undergoing treatment.

10. The root cause for facing the criminal proceedings by the petitioners herein is the death of the deceased. The accusation made against the petitioners revolves around three important aspects viz., instigation, proximity of time and nexus between the alleged act of the petitioners and death of the deceased.

11. In order to proceed against a person u/s 306 IPC, the prosecution should, prima facie, satisfy the ingredients of Section 306 IPC as well as Section 107 IPC. It is

needless to mention that section 107 IPC is not an independent section. In order to understand the intrinsic meaning of the word abetment used in Section 306 IPC, one has to fall back on section 107 IPC, which is integral part of Section 306 IPC. Therefore, reading of Section 306 IPC in dexto pose with section 107 IPC is inevitable to arrive at a prima facie conclusion or final conclusion basing upon the stage of the proceedings.

12. Section 482 Cr.P.C. gives ample scope for interpretation by the accused in one way and the prosecution in another way. The underlying object of section 482 Cr.P.C. is to safeguard the personal liberty of the accused, however, not at the cost of the version of the prosecution. The Hon"ble apex Court in catena of cases categorically held that though the inherent jurisdiction of this Court u/s 482 Cr.P.C. is so wide, but the same should be exercised with great care, caution and circumspection. The court while exercising the inherent jurisdiction u/s 482 Cr.P.C. should always keep in mind that it has to act as an umpire to safeguard the interest of the accused person from malicious prosecution as well as the interest of the victims. It is a settled principle of law that the criminal proceedings start with lodging of complaint and end with conviction or acquittal of the accused. The accused person can knock the doors of this Court with a request to safeguard his interest by invoking inherent jurisdiction conferred on this Court u/s 482 Cr.P.C. at any stage i.e. from the date of registration of the crime till completion of trial. It should be remembered that Section 482 Cr.P.C. can be used as a shield to safeguard the personal liberty of an individual and also to prevent the abuse of process of the Court, but not as a sword to stifle the legitimate prosecution.

13. The allegations made in the complaint form bedrock to the criminal proceedings. The allegations made in the complaint must prima facie satisfy the basic ingredients of the offences alleged to have been committed by the accused.

14. Let me consider the allegations made in the charge sheet in the light of the above legal principles. The learned counsel for the petitioners submitted that nobody knows what happened from 04.03.2010 to 06.03.2010, which ultimately casts cloud on the prosecution version. The deceased attempted to commit suicide by hanging to ceiling fan at about 10.30 PM on 04.03.2010 and she died on 06.03.2010 at about 8.30 AM after undergoing treatment for 34 hours in NRI hospital at Mangalagiri. The learned counsel for the petitioners submitted that this aspect itself is sufficient to quash the proceedings against the petitioners. As rightly pointed out by the learned counsel for the second respondent, the family members might have waited with fond hope that the deceased would survive under any circumstances. The learned counsel for the second respondent submitted that the family members of the deceased might be of the view that if they inform the incident to police, there is every possibility to register a criminal case against the deceased for the offence u/s 309 IPC. The submission made by the learned counsel for the second respondent may not be legally acceptable, but the reasons assigned

may be logically correct. The principle laid down in *Surender Kumar* case prima facie dispels the purported cloud cast on the prosecution version.

15. As per the allegations made in the complaint, second respondent gave Rs. 20.00 lakhs cash and gold ornaments as dowry to the first petitioner at the time of marriage of his daughter Bhargavi. It is further alleged that the petitioners herein started demanding an amount of Rs. 8.00 lakhs as additional dowry for which the second respondent expressed his inability. As per the allegations made in the charge sheet, the petitioners herein refused to take back Bhargavi and her son to Tenali unless the second respondent pays an amount of Rs. 8.00 lakhs as additional dowry. It is not in dispute that the first petitioner came to India and visited the house of the second respondent on 30.08.2009. As per the allegations made in the charge sheet, when Bhargavi informed the first petitioner about the demand of dowry made by the other petitioners, his reply was to follow the instructions of his family members. It is further alleged that again on 01.03.2010, the petitioners have visited the house of the second respondent and demanded additional dowry of Rs. 8.00 lakhs and incidentally expressed their inner feeling that they won't get the additional dowry unless the deceased die. As per the allegations made in the charge sheet, the petitioners 2 to 4 openly expressed that they will perform second marriage to the first petitioner if the second respondent fails to pay an amount of Rs. 8.00 lakhs as additional dowry.

16. The learned counsel for the petitioners submitted that the words alleged to have been uttered by the petitioners would not prima facie attract Section 107 IPC. Without establishing the ingredients of Section 107 IPC and in this set of facts, forcing the petitioners to face rigour of trial would amount to abuse of process of law and it is nothing short of infringement of the personal liberty of an individual as enshrined under Article 21 of the Constitution of India. The Court has to take into consideration the factual aspect from the starting point to end point. If the Court considers one aspect in isolation of the other, it amounts to miscarriage of justice. The principle of securing the ends of justice is equally applicable to both the alleged perpetrator of the crime as well as the victim of the alleged offence.

17. Be that as it may, the seed of ill-feelings sowed in the minds of both parties in the month of October 2009 and culminated into the death of the deceased in the month of March 2010. No two individuals may have same intellectual faculty. No two individuals will swallow and digest the adverse situation in identical passion or manner. The overall personality of an individual depends upon numerous factors like experience of the childhood, socio economic conditions of the family and other attending circumstances. An easy going person may not take every minute issue to the heart or mind. A person with some sort of sensitiveness may react in different manner to that of easy going person even for a small thing. A person with hypertension, depression or such other psychological problem may react quickly even on trivial issues. The various decisions cited by the learned counsel clearly

reveal that the Court has to take into consideration the background of the individual in order to ascertain whether a set of words uttered by opposite party will instigate such individual to resort to the extreme step of committing suicide.

18. Whether the alleged words uttered by the petitioners instigated the deceased to commit suicide has to be considered from different perspectives in order to prevent miscarriage of justice. Disturbance in the family life of daughter may certainly influence the mind of a mother more particularly in case of only daughter. Inability on the part of the parents of a bride to satisfy the financial requirements of the family members of the bridegroom is not a one time problem so as to control the mind. As per the allegations made in the complaint, immediately before the incident, the deceased shared her feelings with her own brother and thereafter committed suicide. Deciding of the root cause for the death of the deceased while exercising inherent power u/s 482 Cr.P.C. is nothing but conducting of pre-trial before the regular trial. If the stand of the accused improbably disproves the stand of the prosecution, in all probability, then there may be some justification. The material on which the petitioners are placing reliance to quash the proceedings is not of a sterling and impeachable quality. Whether the deceased committed suicide due to the instigation or abetment committed by the petitioners is purely a question of fact. Likewise the proximity of time will play a vital role in cases of this nature. It is premature to express any view about the mental faculty of the deceased. Whether the alleged uttering of words by the petitioner will fall within the ambit of abetment as contemplated u/s 306 IPC and instigation as postulated u/s 107 IPC has to be decided at the time of full fledged trial only basing on the oral and documentary evidence available on record. Deciding of the same at this point of time basing on the allegations made in the charge sheet and Section 161 Cr.P.C. statements of witness may be premature.

19. It is an admitted fact that the first petitioner was not in India at the time of the death of the deceased or even at the time of the alleged incident. But the material placed before the Court, prima facie, reveals that he was very much aware what transpired in Tenali and Pedda Vadlapudi. In such circumstances any view expressed by this Court about the alleged role of the first petitioner may cause prejudice either way.

20. The learned counsel for the petitioners advanced arguments in such a manner that the material placed before this Court is sufficient to decide the fate of the case without going for trial. If the argument of the learned counsel for the petitioners is accepted, no triable issues will be involved except deciding the matter purely on legalities, which will fall within the purview of Section 482 Cr.P.C. The argument advanced by the learned counsel for the petitioners is very easy to swallow but highly difficult to digest it for the simple reason that numerous questions of facts are involved. As per the allegations made in the complaint the petitioners herein have persistently pestered the second respondent and his wife for additional dowry.

21. In *Madhu Limaye Vs. State of Maharashtra* the Hon"ble Supreme Court held as under:

At the outset the following principles may be noticed in relation to the exercise of inherent power of the High Court, which have been followed ordinarily and generally, almost invariably, barring a few exceptions.

1. That the power is not to be resorted to if there is a specific provision in the Code for the redress of the grievance of the aggrieved party;
2. That it should be exercised very sparingly to prevent abuse of process of any Court or otherwise to secure the ends of justice;
3. That it should not be exercised as against the express bar of law engrafted in any other provision of the Code.

22. In *Padal Venkata Rama Reddy @ Ramu Vs. Kovvuri Satyanarayana Reddy and others* the apex Court observed as follows:

13. It is well settled that the inherent powers u/s 482 can be exercised only when no other remedy is available to the litigant and not in a situation where a specific remedy is provided by the statute. It cannot be used if it is inconsistent with specific provisions provided under the Code (vide [Kavita Vs. State and Others](#), and [B.S. Joshi and Others Vs. State of Haryana and Another](#), . If an effective alternative remedy is available, the High Court will not exercise its powers under this section, specially when the applicant may not have availed of that remedy.

23. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the view that this is not a fit case to quash the proceedings at this stage.

24. The learned counsel for the petitioners submitted that the petitioners are facing much difficulty in attending the Court on each and every adjournment. He further submitted that number of matters are pending before various courts. A perusal of the record reveals that maintenance case and dowry harassment case filed by Bhargavi and divorce OP filed by the first petitioner are pending before various courts.

25. In that view of the matter, I am inclined to dispense with the presence of the petitioners 2 to 4 before the trial Court on each and every adjournment except on the days when their presence is specifically required.

26. With the above observations, this Criminal Petition is dismissed. As a sequel, miscellaneous applications, if any pending, shall stand closed. However, the trial Court is hereby directed to proceed with the trial of the case in accordance with law and not being influenced by any of the observations made by this Court.