

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1027 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioners challenging issuance of summons, dated 09.06.2015, to them in DVC No.23 of 2015 by the XIX Metropolitan Magistrate, Kukatpally, Cyberabad.

Heard and perused the material available on record.

The brief facts of the case are that the 2nd respondent is the wife of the 1st petitioner. Their marriage was performed on 11.05.2014. They lived happily for some time. Thereafter, the petitioners started harassing the 2nd respondent by demanding additional dowry. Therefore, the 2nd respondent filed DVC No.23 of 2015 against the petitioners before the XIX Metropolitan Magistrate, Kukatpally. The trial Court issued summons to the petitioners for their appearance in the said case. Challenging the same, the present revision is filed.

Learned counsel for the petitioners submitted that the allegations made by the 2nd respondent are not true and the 2nd respondent has also lodged a complaint against the petitioners in Crime No.631 of 2015 before the Ramachandrapuram Police Station for the offences under Sections 498-A and 3 and 4 of the Dowry Prohibition Act, and at the stage of investigation itself, the names of the petitioners 2 to 4 were removed and the trial Court, without considering that the 2nd respondent had not shown any grounds to constitute the act of domestic violence, issued the summons to the petitioners.

It is to be noted that on the basis of the application filed under Section 12 of the Protection of Women from the Domestic Violence Act, the trial Court took cognizance against the petitioners and issued

summons for their appearance before the Court. When this Court expressed its opinion that mere issuance of summons cannot be questioned, the learned counsel for the petitioners confined his arguments only to the extent of dispensing with the presence of the petitioners before the trial Court after their first appearance.

Considering the same, the Criminal Revision Case is disposed of directing the petitioners to appear before the trial Court on the date mentioned in the summons, and thereafter, their presence before the trial Court is dispensed with since the question of their identity does not arise. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 22, 2015.
KTL