

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5219 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused No.2 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.1121 of 2014 on the file of Additional Judicial Magistrate of the First Class, Anantapuram registered for the offences punishable under Sections 498-A, 323 read with 34 I.P.C and Section 4 of the Dowry Prohibition Act.

2) Heard the learned counsel for the petitioner/accused and the 1st respondent-State represented by the Public Prosecutor before admission and before issuing notice to the 2nd respondent and perused the material on record.

3) Admittedly the petitioner herein is the 2nd accused who is a woman of aged about 84 years. Undisputedly no part II C.D. filed but for the charge sheet and by placing reliance on charge sheet page-II last but third line in saying A-1 and A-2 stated that they would allow her to lead marital life with A-1 only after giving Rs.80,000/- and A-2 also tortured with her words and supported to A-1.

4) A perusal of the material on record, the material falls short of this Court even to admit the application under Section 482 Cr.P.C to quash the proceedings but for the

giving liberty to the petitioner to file an application under Section 239 Cr.P.C. before the learned Magistrate concerned to hear and decide the same on its own merits whether there are any grounds for discharge or to frame any lesser charge or the like vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say the petitioner being a woman of 58 years and infirm, if any application filed under Rule 37 of Criminal Rules of Practice to represent by A-1 or else any petition filed by the petitioner under Section 205 Cr.P.C to represent through Special Vakalat, the learned Magistrate shall permit her including for examination on charges in the event of framing charges.

5) With the above observations, the petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

24.06.2015
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^[1] (2005)1 SCC 568