

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No. 3116 of 2015

Order:

The instant petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') by the petitioners/A-2 and A-3 in Calendar Case No.108 of 2013 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, who are facing the offence punishable under Section 498-A IPC, requesting to quash the proceedings therein.

2. The facts would reveal that the first respondent, who is the daughter-in-law of the first petitioner, filed a complaint alleging that the first petitioner being her father-in-law and the second petitioner being her husband's elder brother along with the first accused, who is her husband, subsequent to the marriage, which took place on 26.06.2004, started harassing her demanding her to get additional dowry. Certain instances were referred to by the complainant in the allegations levelled against A-1 to A-3.

3. Heard both sides.

4. As seen from the copy of charge sheet, the first accused who is the husband of the first respondent – complainant is shown as absconding. Learned counsel for the petitioners submits that the first accused and the first respondent together responsible for getting the complaint filed through the first respondent with an oblique motive to get the share of the first accused in the family properties.

5. Since the Calendar Case is pending before the aforementioned Court, it is not desirable, at this stage, to quash the proceedings in the Calendar Case.

6. As seen from the material on record, the first petitioner is 80 years old, of course, the second petitioner is 35 years old. They are residents of Kothagudem, Khammam District, whereas the first respondent is residing at Hyderabad. Keeping in view, the age of the first petitioner and the general notice given in a newspaper, which the learned counsel says that it was published in 'Eenadu Telugu daily', to the effect that the first petitioner ceased to have connections with the first accused and not to lend any amounts to the first accused, it is desirable to dispense with the presence of both the petitioners in Court during the pendency of the proceedings in the above Calendar Case.

7. Accordingly, the appearance of both the petitioners herein is dispensed with in Calendar Case No.108 of 2013 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, but however, as and when directed by the learned XV Additional Chief Metropolitan Magistrate, Hyderabad, both the petitioners shall attend the Court.

8. With the above observation, the Criminal Petition is dismissed.

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

A. SHANKAR NARAYANA, J

Date: 22.04.2015

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