

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.747 of 2015

ORDER:

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The present application is filed under Section 438 Cr.P.C., seeking release in the event of the arrest of the petitioner in connection with C.C.No.320 of 2012 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad. A private complaint, filed by the second respondent was taken on file for the offences punishable under Sections 498 A, 420, 406 and 506 read with Section 34 of IPC and Sections 4 and 6 of the Dowry Prohibition Act.

At the time when the matter is taken up for hearing, learned Public Prosecutor submitted that a private complaint filed by the second respondent was taken on file and summons were issued to the accused/petitioner. Since the petitioner did not appear before the Court, Non Bailable Warrant came to be issued and hence the question of entertaining the application under Section 438 of Cr.P.C. would not arise.

Learned counsel for the petitioner submits that he is not aware of the proceedings being initiated against him.

From a perusal of the records and taking into consideration the representation made by the learned Public Prosecutor, no crime is registered by the police. The present case arose on the basis of a private complaint filed by the second respondent for the above mentioned offences. Since the petitioner did not appear in the Court, Non Bailable Warrant came to be issued. The remedy lies elsewhere, but definitely not under Section 438 of Cr.P.C.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

20.02.2015

vhb

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