

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No.2613 of 2015

Order:

The instant petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') requesting to quash the proceedings in Calendar Case No.94 of 2014 pending on the file of the Judicial Magistrate of First Class, Pulivendula, Kadapa District.

2. Heard Sri T. Khasim Basha Vali, learned counsel for the petitioners, and the learned Assistant Public Prosecutor for the State.

3. The facts would reveal that the accused are the husband, parents-in-law and sister-in-law of the complainant. The complaint allegations are to the effect that after performance of the marriage between herself and accused No.1, she was subjected to cruelty on the ground that she did not meet the demand of the accused, her husband, who is accused No.1, and at the instigation of accused Nos.2 and 3, he used to ill-treat her by assaulting her besides abusing her and even there was an attempt to strangle her and there was elders intervention even, and she approached the police and lodged the complaint.

4. The learned Magistrate concerned has taken cognizance and the Calendar Case is at the stage of framing charges as stated by the learned counsel for the petitioners. It is also his submission that no case is made out against the petitioners 2 to 4, more particularly, against petitioners 2 and 3 who are the parents-in-law of the second respondent – complainant.

5. The learned Assistant Public Prosecutor opposed the request on the ground that

the charge sheet was already filed and cognizance was also taken by the learned Magistrate, in which case, remedy is open to the petitioners, invoking the relevant provision, for seeking alternative remedy and unless there are convincing reasons extraordinary jurisdiction under Section 482 Cr.P.C., cannot be invoked.

6. As seen from the material on record, the allegations mentioned above at this stage cannot be brushed aside to accede to the request of the petitioners. The case is coming up for framing charges. There is no merit to accede to the request of the petitioners.

7. Accordingly, the Criminal Petition is dismissed.

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

A. SHANKAR NARAYANA, J

Date: 07.04.2015

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