

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.12958 of 2015

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in D.V.C.No.3/2015 on the file of the V Additional Judicial First Class Magistrate, Kakinada, East Godavari District.

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor, representing the State.

A perusal of the complaint shows *prima facie* there are specific allegations in so far as the petitioners are concerned. Therefore, it is not a fit case where the proceedings against them can be quashed. The truth or otherwise of the allegations can only be decided during course of trial.

The Criminal Petition is accordingly dismissed. However, it is noticed that the petitioners 1 to 5 who are respondents 2 to 6 in DVC are relations to the non-petitioner/1st respondent and aged persons of 70, 65, 46, 50 and 65 years respectively and they are residents of Guntur District whereas the complaint filed in the Court at Kakinada. Therefore, considering the circumstances, the Court below is directed to proceed with the enquiry in DVC, however, without insisting for the presence of the petitioners/respondents 2 to 6 for each and every adjournment, unless it feels that their physical presence is necessary for any specific purpose.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 07.12.2015

Dsr