

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No. 13995 OF 2016

ORDER:

The present Criminal Petition is filed under Section 482 Cr.P.C to quash the proceedings in C.C.No.364 of 2016 on the file of the I Additional Judicial Magistrate of First Class, Warangal District.

The petitioners, who are arraigned as A.1 to A.6 in the said Calendar Case, alleged to have committed the offences punishable under Sections 498-A and 506 I.P.C r/w Sections 3 and 4 of the Dowry Prohibition Act, 1961. The *de facto* complainant is no other than the wife of the first petitioner.

Learned counsel for the petitioners would submit that the petitioner Nos.4 and 5 are sisters and petitioner No.6 is the husband of petitioner No.4 residing locally and no specific allegations have been levelled against them. It is also his submission that the first petitioner is working as a Software Engineer at Chennai and the third petitioner is employed in RTC working in Bhadrachalam Depot, Khammam District, and therefore, it would be very difficult for them to attend the Court at Warangal.

Perused the material on record. There are *prima facie* allegations levelled against the petitioners. Therefore, quashing of the proceedings in the Calendar Case at this stage does not arise.

Learned counsel for the petitioner would submit that the petitioners intend to file a discharge petition before the learned I Additional Judicial Magistrate of First Class, Warangal, to avail the

said relief. But, however, seeks to exempt the presence of the petitioners and permit one of them to attend the proceedings in the Calander Case on every date of adjournment.

It appears that charges are yet to be framed. Though, the first petitioner-husband of the *de facto* complainant is residing at Chennai, it would be proper and reasonable to direct him to attend on every date of hearing in the Calendar Case before the I Additional Judicial Magistrate of First Class, Warangal, on behalf of petitioner Nos.2 to 6 also, whose presence is dispensed with, but subject to condition that they shall appear before the Court as and when directed by the learned Magistrate, while framing charges and also at the time of examination under Section 313 Cr.P.C, without avoiding their presence. In case the petitioners chose to file a discharge petition, the learned Magistrate will entertain and dispose of the same in accordance with law.

Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal stand disposed of.

A. SHANKAR NARAYANA, J

Date: 29.09.2016
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