

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45138 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the charge sheet filed by the 2nd respondent in C.C.No.6 of 2013, on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad, against the petitioner, as illegal and arbitrary and consequently set aside the same.

Heard and perused the material available on record.

The 3rd respondent filed a private complaint on 20.09.2013 before the learned XV Additional Chief Metropolitan Magistrate at Hyderabad, against the petitioner and others, which was referred to the 2nd respondent under Section 156(3) IPC and the 2nd respondent registered the said complaint as FIR No.222 of 2013 on 23.09.2013 for the offences under Sections 498-A, 420, 406 & 34 IPC against the petitioner and others. The petitioner, who is the sister-in-law of the 3rd respondent, is arrayed as A-2 in the above said crime. It is alleged in the said complaint that the marriage between the 3rd respondent and A-1 was performed on 17.12.2011 and at the time of marriage, the parents of the 3rd respondent gave dowry as per the demands of the accused and performed the marriage of her daughter grandly and that for a couple of days, they led their marital life happily, but later A-1 along with his family members started harassing the 3rd respondent, both physically and mentally, by demanding additional dowry.

The main grievance of the petitioner is that the 3rd respondent got created a false complaint in FIR No.222 of 2013 and that after completion of the investigation, the 2nd respondent filed a charge

sheet and the same was numbered as C.C.No.6 of 2013. It is the further grievance of the petitioner that the petitioner is suffering with chronic kidney failure and she is not in a position to move and that the petitioner is completely bed ridden and her condition is deteriorating slowly.

After arguing for some time, when this Court informed that the Court is not inclined to interfere with the trial on the basis of the disputed fact, then the learned counsel for the petitioner confined his arguments only in connection with the presence of the petitioner before the trial Court.

Considering the facts and circumstances of the case and as the matter arises out of matrimonial dispute and the question of identity of the persons also not in dispute, the presence of the petitioner before the trial Court is dispensed with except on the dates of framing of charges, if any, examination under Section 313 Cr.P.C., and also on the date of pronouncement of judgment. The petitioner shall be properly represented through her counsel before the trial Court.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 26th December, 2016

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