

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2455 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-2 to A-5 in C.C.No.1519 of 2015 pending on the file of Judicial Magistrate of First Class, Kurnool, arising out of Crime No.70 of 2015 of Mahila Police Station, Kurnool, registered for the offences punishable under Section 498 A IPC and Section 4 of Dowry Prohibition Act.

Heard the learned counsel for the petitioners/A-2 to A-5 and the learned Public Prosecutor and perused the material available on record.

Admittedly, the 2nd respondent lodged a complaint against the petitioners and the police after completion of investigation filed the charge sheet before the Court. There are specific allegations made against the petitioners herein, the truth or otherwise of which will be adjudicated only after a due trial and the same cannot be determined at this stage.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioners, this Court is not inclined to quash the proceedings against the petitioner/A-2 to A-5. However, at this stage, the learned counsel for the petitioners fairly stated that the petitioners/A-2 to A-5 are facing very much difficulty in attending the Court on each and every date of adjournment; and that the 2nd petitioner/A-3's leg was amputated due to gangrene and is facing very much difficulty in attending the Court and that at least their

presence before the Court may be dispensed with.

Considering the request of the learned counsel for the petitioners, since it is stated that the charge sheet has already been filed before the Court, the petitioners are directed to file an application under Section 239 Cr.P.C. seeking their discharge from the charges to be framed against them and on filing of such application, the concerned Court shall consider the same and pass appropriate orders in accordance with law. Till such course of action is completed, the presence of the petitioners/A-2 to A-5 is dispensed with except on the dates when their presence is essentially required by the Court.

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With the above direction, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 25-02-2016

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