

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39862 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for the records in C.C.No.169 of 2016, on the file of the V Additional Junior Civil Judge, Guntur, so far as petitioners 1 to 5/A-2 to A-7 are concerned.

The case of the petitioners is that the petitioners 1 to 6 are A-2 to A-7 in C.C.No.169 of 2016 and petitioners 1 & 2 are mother-in-law and father-in-law of the 3rd respondent and petitioners 3 to 6 are sister-in-laws of the 3rd respondent. It is further case of the petitioners that the 3rd respondent lodged a complaint against the petitioners in Crime No.80 of 2015 for the offences under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act and charge sheet was filed by the respondent police, which is numbered as C.C.No.169 of 2016, on the file of the V Additional Junior Civil Judge, Guntur, alleging that the marriage between the 3rd respondent and A-1, who is the son of petitioners 1 & 2 (A-2 & A-3) was performed on 17.09.2000 and since then they lived happily till October, 2014. Later, 3rd respondent came to know that A-1 developed illegal intimacy with one Sandhya and A-1, with the help of his family members, i.e., petitioners, A-2 to A-7, used to harass the 3rd respondent physically and mentally and A-1 and his family members necked the 3rd respondent and her son out of the house on 12.10.2014. The main grievance of the petitioners is that the petitioners 3 to 6, being the sister-in-laws of the 3rd respondent, have nothing to do with the family affairs of the 3rd respondent and A-1, since they have been living with their husbands.

After arguing for some time, when this Court expressed its opinion that this Court is not inclined to interfere with the trial before the

concerned Court, the learned counsel for the petitioners submitted that the petitioners may be permitted to file discharge application and their presence before the trial Court may be dispensed with.

Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioners, if the petitioners are aggrieved over the pendency of the case and if it is the case of the petitioners that no offence is made out, then the petitioners are at liberty to file a discharge application before the trial Court and on such application being filed, the trial Court shall consider the same in accordance with law. Till the disposal of such discharge application, the presence of the petitioners before the trial Court is dispensed with.

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

RAJA ELANGO,J

Date: 18th November, 2016

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