

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5265 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 S.C.No.228 of 2015 pending on the file of Mahila Sessions Judge, Vijayawada, Krishna District arising out of Crime No.235 of 2015 for the offences punishable under Sections 304-B read with Section 34 IPC and Sections 3, 4 and 6 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.

A perusal of the material on record would reveal that after filing of charge sheet, the committal Court primarily registered the same as P.R.C.No.28 of 2015, as out of the alleged offences some of the offences are punishable under Sections 304-B and 302 IPC, which are exclusively triable by the Court of Session and after following due procedure prescribed under Section 209 Cr.P.C., the case was committed to the Court of Session and the same was numbered as S.C.No.228 of 2015 pending on the file of Mahila Sessions Judge, Vijayawada, wherein serious allegations are alleged against the petitioners/accused herein. Whether the petitioners/accused herein have committed the alleged offences or not is a matter to be adjudicated by the Sessions Court after a full pledged trial and the same cannot be determined at this stage. Hence, this Court is not inclined to interfere with the proceedings.

Having regard to the facts and circumstances of the case

and also in view of the fact that the case was committed to the Court of Session, the petitioners/accused herein are directed to file appropriate application for their discharge raising all the points as raised herein before the Court concerned and on filing of such application, the learned Sessions Judge shall consider the same and pass appropriate orders in accordance with law.

Subject to the above observation, the criminal petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 18-04-2016

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