

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42625 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in implicating the petitioner in SC No.276 of 2015 on the file of VI Additional Metropolitan Sessions Judge, Secundeabad, as illegal and arbitrary, and consequently, quash the proceedings against the petitioner in the above case.

Heard and perused the material available on record.

On the basis of the complaint lodged by the daughter-in-law of the petitioner, Crime No.401 of 2014 was registered against the petitioner and another for the offences under Sections 498-A and 307 IPC and 3 & 4 of the Dowry Prohibition Act. After completion of the investigation, the 3rd respondent filed charge sheet and the same was numbered as SC No.276 of 2015 on the file of the VI Additional Metropolitan Sessions Judge, Secunderabad. Challenging the same, the present writ petition is filed.

On perusal of the entire record, this Court is of the view that the present writ petition is not maintainable and the petitioner can challenge the charge sheet filed in the above case, by way of filing a discharge application before the Court concerned, and therefore, the writ petition is liable to be dismissed. At this stage, learned counsel for the petitioner confined his prayer and requested for dispensing with presence of the petitioner before the Court below.

Accordingly, the Writ Petition is dismissed. However, taking into consideration the submissions made by the learned counsel for the

petitioner, the petitioner is permitted to file a discharge application before the Court concerned, and till disposal of the discharge application, the presence of the petitioner is dispensed with before the Court below. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 07, 2016
KTL



