

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45704 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the proceedings in CC No.921 of 2015 on the file of IV Additional Junior Civil Judge, Guntur, against the petitioner, as illegal and arbitrary, and consequently, drop all further proceedings against the petitioner.

Heard and perused the material available on record.

The 4th respondent is the wife of the 1st petitioner. Basing on the complaint of the 4th respondent, Crime No.101 of 2015 was registered against the petitioner and others on the file of the Women Police Station, Guntur Urban, for the offences under Sections 498-A IPC and 3 & 4 of the Dowry Prohibition Act. After completion of investigation, the police filed charge sheet before the IV Additional Junior Civil Judge, Guntur, showing the petitioner as absconding. The said charge sheet was numbered as CC No.921 of 2015. Since the petitioner was shown as absconding, NBWs are issued against him. To quash the proceedings in the said CC, the present writ petition is filed.

After perusing the record, this Court expressed its opinion that this Court is not inclined to grant the relief sought for by the petitioner. At this stage, learned counsel for the petitioner submitted that the Court below issued NBW against the petitioner and that the same may be recalled.

In view of the submission made by the petitioner, this Court is inclined to pass the following order:

The petitioner is directed to approach the Court below and file an application to recall the NBWs pending against him and on such application being filed, the Court below is directed to recall the NBWs pending against the petitioner on the same day, on petitioner executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the likesum and further the petitioner is directed to attend the Court below regularly on all hearing dates.

Accordingly, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 27, 2016.
KTL

RAJA ELANGO, J

