

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42620 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to CC No.267 of 2016 on the file of Additional Judicial Magistrate of First Class, Ramachandrapuram, and consequently, quash the proceedings in the above CC against the petitioners.

Heard and perused the material available on record.

On the basis of the complaint lodged by the daughter-in-law of the petitioners 1 and 2, Crime No.74 of 2014 was registered against the petitioners and others for the offences under Sections 498-A r/ w.34 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 CC No.267 of 2016 on the file of the Additional Judicial Magistrate of First Class, Ramachandrapuram. To quash the proceedings in the above case, the petitioners filed the present writ petition.

On perusal of the entire record, this Court is of the view that the present writ petition is not maintainable and the petitioners 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 petitioners confined his prayer and requested for dispensing with presence of the petitioners before the Court below.

Accordingly, the Writ Petition is dismissed. However, taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners are permitted to file a discharge application

before the Court concerned, and till disposal of the discharge application, the presence of the petitioners 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



