

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39462 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking to quash C.C.No.371 of 2016 on the file of the Additional Judicial First Class Magistrate, Rayachoty.

2. Heard and perused the material available on record.

3. The offences alleged against the petitioner/A-3 are punishable under Sections 498-A, 355, 506 and 509 read with 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

4. Admittedly, after duly investigating into the complaint lodged by respondent No.3, the police filed charge sheet against the petitioner. A reading of the charge sheet also reveals some allegations against the petitioner, truth of which can be ascertained only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.

5. After arguing for sometime, learned counsel for the petitioner while not pressing for the main prayer, confined his arguments only to the extent of dispensing with the presence of the petitioner before the trial Court.

6. Considering the facts and circumstances of the case and in view of the submission of the learned counsel and as the petitioner is a lady and working as a Commercial Tax Officer and her identity is also not in dispute since the matter pertains to matrimonial disputes, the presence of the petitioner before the trial Court is dispensed with except on the dates on which the learned

Magistrate insists for her appearance. The petitioner shall be properly represented through her counsel before the trial Court.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

16.11.2016
AMD



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Date: 16.11.2016

AMD