

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.8055 OF 2016

-

ORDER:

This petition under Section 482 Cr.P.C. is filed by the petitioners/A1 to A7 and A9 seeking to quash the proceedings in D.V.C.No.14 of 2016 on the file of Special Judicial Magistrate of First Class Excise, Eluru, West Godavari District.

2. Heard learned counsel for the petitioners/A1 to A7 and A9 and learned Additional Public Prosecutor representing the State.

3. The allegations in the complaint are that the marriage of respondent No.2 with petitioner No.1 was performed on 18.08.1977 and they were blessed with two male children. While so, petitioner No.5, who is the sister of petitioner No.1, along with petitioner No.6, who is the husband of petitioner No.5, started infusing the mind of petitioner No.1, who, in turn, started harassing respondent No.2 mentally and physically and necked her out from the house, for which other accused also supported petitioner No.1. Later, she joined her elder son, who was living separately after his marriage, but now, she is living alone. While so, she came to know that petitioner No.1 is going to screen away the joint family properties with the help of

other accused. Hence, she filed the present D.V.C.

4. As per the allegations in the complaint, there is a *prima facie* case to proceed against the petitioners. Therefore, this is not a fit case where the proceedings against the petitioners can be quashed. Truth or otherwise of the allegations can only be decided during the course of trial. However, considering the facts and circumstances of the case, the Court below is directed to proceed with the trial of the case and dispose of the same without insisting the presence of petitioner Nos.2 to 8/A2 to A7 and A9 only on each and every date of adjournment, unless it feels that their presence is necessary for any specific purpose.

5. With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

M.S.K.JAISWAL, J

June 13, 2016
MD