

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39396 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 3rd respondent in issuing FIR No.130 of 2015 and filing charge sheet vide C.C.No.664 of 2015 against the petitioners for the offences punishable under Sections 498-A, 294-B and 506 IPC and Sections 3 & 4 of the Dowry Prohibition Act, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioners is that the 4th respondent is the second wife of the 1st petitioner and their marriage took place in the year 2012 and that 2nd petitioner is the mother, 3rd petitioner is the sister of the 1st petitioner and 4th petitioner is the husband of the 3rd petitioner. It is further case of the petitioners that the 4th respondent filed a complaint against the petitioners alleging that the 4th respondent was subjected to cruelty and she was harassed by the petitioners physically and mentally by demanding additional dowry and threatening with dire consequences. The said complaint was registered as FIR No.130 of 2015 by the 3rd respondent for the offences under Section 498-A, 294-B and 506 IPC and Sections 3 & 4 of the Dowry Prohibition Act and after filing of the charge sheet, the said FIR is numbered as C.C.No.664 of 2015, on the file of the Judicial Magistrate of First Class, Yellandu, Khammam District,.

Having regard to the facts and circumstances of the case, this Court is not inclined to interfere with the trial on the basis of the disputed fact.

Accordingly, the Writ Petition is dismissed. The petitioners are at liberty to file an application before the trial Court for dispensing their

presence and on such application being filed, the trial Court shall consider the same in accordance with law.

Accordingly, the Writ Petition is dismissed. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 16th November, 2016

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