

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44541 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the proceedings in C.C.No.196 of 2016, on the file of Additional Judicial Magistrate of First Class, Sanga Reddy, arising out of FIR No.478 of 2015 of Ramachandrapuram Police Station, registered against the petitioners/A-2 to A-7 for the offences under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act, as illegal and arbitrary and consequently to set aside the same.

Heard and perused the material available on record.

The case of the petitioners is that the marriage between A-1 and the *de facto* complainant was performed on 19.08.2014 and at the time of marriage, the parents of the *de facto* complainant gave Rs.6,00,000/- cash, 23 tulas of gold, 1 kg of silver as dowry and Rs.50,000/- cash as Adapaduchu Katnam and that after one month of the marriage, A-1 along with his parents and family members started harassing the *de facto* complainant physically and mentally for additional dowry. Basing on the said complaint, the 2nd respondent registered the same as FIR No.478 of 2015 and the petitioners are arrayed as A-2 to A-7 in the above said crime.

The main grievance of the petitioners is that the petitioners are residing in Hanamkonda, whereas the *de facto* complainant and A-1 are residing at Hyderabad and that the petitioners are not concerned with the personal life of the couple and that the petitioners were falsely implicated in the above said crime and the

petitioners were roped into the above said crime as they are the family members of A-1.

After arguing for some time, when this Court informed that the Court is not inclined to interfere with the trial on the basis of the disputed fact, then the learned counsel for the petitioners confined his arguments only in connection with the presence of the petitioners before the trial Court.

Considering the facts and circumstances of the case and as the matter arises out of matrimonial dispute and the question of identity of the persons also not in dispute, the presence of the petitioners before the trial Court is dispensed with except on the dates of framing of charges, if any, examination under Section 313 Cr.P.C., and also on the date of pronouncement of judgment. The petitioners shall be properly represented through their counsel before the trial Court.

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

RAJA ELANGO, J

Date: 21st December, 2016

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