

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37776 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to CC No.304 of 2013 on the file of Judicial Magistrate of First Class-cum-Additional Junior Civil Judge, Chirala, Prakasam District, arising out of Crime No.51 of 2013 on the file of I-Town Police Station, Chirala, Prakasam District, and consequently, quash the same.

Heard and perused the material available on record.

On the basis of the complaint lodged by the wife of the 1st petitioner, Crime No.51 of 2013 was registered by the 2nd respondent against the petitioners and others. After completion of investigation, the 2nd respondent filed charge sheet before the Judicial Magistrate of First Class-cum-Additional Junior Civil Judge, Chirala, against the petitioners and others for the offences under Sections 498(A) and 109 IPC and 3 & 4 of the Dowry Prohibition Act and the same was numbered as CC 51 of 2013. Challenging the said charge sheet, the present writ petition is filed.

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 petitioner 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, liberty is given to the petitioners to file a discharge application before the Court below, and till disposal of the discharge application by the Court below, 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

November 04, 2016
KTL



