

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40116 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to CC No.348 of 2016 on the file of II-Additional Judicial Magistrate of First Class, Machilipatnam, Krishna District, and consequently, quash the same.

Heard and perused the material available on record.

On the basis of the complaint lodged by the daughter-in-law of the petitioners 1 and 2, Crime No.5 of 2016 was registered by the 3rd respondent against the petitioners and others. After completion of investigation, the 3rd respondent filed charge sheet before the II-Additional Judicial Magistrate of First Class, Machilipatnam, against the petitioners and others for the offences under Sections 498(A) IPC and 3, 4 & 6 of the Dowry Prohibition Act and the same was numbered as CC 348 of 2016. Challenging the same, 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 raise all the points that are raised before this Court, 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 said 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 21, 2016
KTL



