

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39933 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 3rd respondent in filing the charge-sheet vide C.C.No.237 of 2013 in F.I.R.No.37 of 2013 against the petitioners for offences punishable under Section 498-A I.P.C. and Sections 3 & 4 of Dowry Prohibition Act, as illegal and arbitrary and consequently quash the proceedings in C.C.No.237 of 2013 in F.I.R.No.37 of 2013 on the file of the Judicial First Class Magistrate at Bhadrachalam.

Heard the learned counsel for the petitioners and the learned Government Pleader for Home and perused the material available on record.

On a perusal of the charge sheet, this Court is of the view that truth or otherwise of the allegations made against the petitioners can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioners.

In any event, considering the nature of allegations wherein the question of identity of the accused does not arise, presence of the petitioners before the trial Court is dispensed with except on the dates when the trial Court insists for their appearance.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

18.11.2016

skmr