

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37341 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to quash the charge sheet in C.C.No.177 of 2016, on the file of the Additional Judicial Magistrate of First Class, Markapur, Prakasam District.

Heard and perused the material available on record.

The case of the petitioners is that the 1st petitioner's daughter got married to the 3rd respondent's son, who is working as Home Guard and that the daughter of the 1st petitioner was harassed by the 3rd respondent's family physically and mentally. The main grievance of the petitioners is that the 3rd respondent got created a false complaint in FIR No.15 of 2015 under Section 448, 323, 509 read with 34 IPC and the same is re-numbered as C.C.No.177 of 2016.

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 question, 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: 2nd November, 2016

KL

