

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13783 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in CC No. 438 of 2016 pending adjudication on the file of learned Judicial First Class Magistrate, at Kodad, registered for the offences punishable under Sections 498-A, 506 and 323 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Heard learned counsel appearing for the petitioners/Accused Nos. 1 to 5, and learned Additional Public Prosecutor, representing the State.

Having heard the learned Counsel on either side and gone through the material available on record, it is palpable that specific allegations were made in the complaint against the petitioners/Accused Nos. 1 to 5. The truth or otherwise of the allegations can only be decided during the course of trial. This Court is not supposed to make a roving enquiry into the allegations made in the charge sheet. I see no ground to quash the proceedings in the aforesaid Calendar Case at this stage.

However, considering the facts and circumstances of the case and as requested by learned counsel for the petitioners, the Criminal Petition is disposed of, directing the Court below to proceed with the trial, however, without insisting for the presence of petitioners 2 to 5 herein/Accused Nos. 2 to 5 for each and every adjournment, unless it feels that their physical presence is

necessary for any specific purpose. The Counsel on record shall represent the petitioners 2 to 5 herein/Accused Nos. 2 to 5 before the Court below on each and every date of hearing the case. The first petitioner/Accused No.1 shall ensure his presence before the Court below on each and every date of hearing the case.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

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**JUSTICE M.S.K. JAISWAL**

DATED 30<sup>th</sup> September, 2016.  
Msnr<sub>x</sub>

