

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3982 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-2 to A-4 in C.C.No.143 of 2014 pending on the file of Additional Judicial First Class Magistrate, Srikakulam, arising out of Crime No.195 of 2012 of Srikakulam Rural Police Station registered for the offences punishable under Section 498 A, 323 and 342 read with Section 34 IPC.

Heard and perused the material available on record.

The offences alleged against the petitioners are punishable under Sections 498 A, 323 and 342 read with Section 34 IPC. Admittedly, after duly investigating into the complaint lodged by the *de facto* complainant, the Police filed charge sheet against the petitioners and other accused.

A reading of charge sheet also would reveal that there are specific allegations against the petitioners, truth or otherwise of which can be decided only after due trial and the same cannot be decided by this Court invoking the provision of Section 482 Cr.P.C. 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 their presence is essential required for the purpose of framing of charges and also for examination under Section 313

Cr.P.C. However, petitioners/A-2 to A-4 shall be properly represented through their counsel before the trial Court. The other accused/A-1 shall present before the trial Court on his behalf and on behalf of A-2 to A-4/petitioners herein on all dates of hearing.

Accordingly, the Criminal Petition is disposed of. Consequently, the Miscellaneous Petitions pending in this petition, if any, shall stand closed.

RAJA ELANGO, J

Date: 22-03-2016

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