

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRI.R.C.No.1421 OF 2016

ORDER:

This Criminal Revision Case is preferred challenging the order, dated 1.9.2015, in CrI.M.P.No.5138 of 2014 in C.C.No.181 of 2013 on the file of the XIII Additional Chief Metropolitan Magistrate (Mahila Court) at Hyderabad.

2. The brief facts, which lead to filing of this Revision Case, are as under:

Basing on the complaint filed by respondent No.2/*de facto* complainant, a case in Crime No.491 of 2012 on the file of the Women Police Station, C.C.S., Hyderabad was registered for the offences punishable under Sections 498-A and 406 I.P.C. and Sections 4 and 6 of the Dowry Prohibition Act, 1961 and the same was numbered as C.C.No.181 of 2013 against all the accused. The petitioners herein/A-2 to A-6 filed CrI.M.P.No.5138 of 2014 praying the trial Court to discharge them from the main case and the same was dismissed. Challenging the same, the petitioners preferred the present Revision Case.

3. Learned counsel for the petitioners submits that the entire litigation is between A-1 and respondent No.2 and the petitioners herein have nothing to do with the alleged offences; that respondent No.2 filed a maintenance case also only against A-1 but not the petitioners herein; that respondent No.2 directly filed the case under Section 498-A I.P.C. against A-1 and the petitioners herein instead of filing a Domestic Violence Case to set right the matrimonial wedlock; that the contents of the complaint and 161 Cr.P.C. statements do not describe the ingredients under Sections 498-A and 406 I.P.C. and Sections 4 and 6 of the Dowry Prohibition Act and hence, he prays to set aside the impugned order.

4. After perusing the entire material available on record and after hearing the submissions made by the learned counsel for the petitioners, this Court is of the view that the allegations made by respondent No.2 are specific not only against her husband (A-1) but also against the petitioners herein. Hence, the trial Court rightly passed the impugned order and that order needs no interference of this Court and therefore, this Revision Case is liable to be dismissed.

5. Accordingly, the Criminal Revision Case is dismissed. However, considering the nature of allegations wherein the question of identity of the petitioners does not arise, presence of the petitioners/A-2 to A-6 before the trial Court is dispensed with except on the dates of framing of charges and examination under Section 313 Cr.P.C. However, A-1, who is the husband of respondent No.2, shall be present before the trial Court on all dates of hearing on his behalf and on behalf of other accused also. The petitioners shall be properly represented through their counsel before the trial Court. The trial Court is also directed to dispose of C.C.No.181 of 2013 as expeditiously as possible.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

2.6.2016

AMD

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