

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45185 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to quash the proceedings in C.C. No.26 of 2016 on the file of XIII Additional Chief Metropolitan Magistrate (Mahila Court), Metropolitan Criminal Courts at Hyderabad.

The 3rd respondent is the wife of the petitioner and due to matrimonial disputes, she lodged a complaint against the petitioner and others, on the basis of which, a case in Crime No.9 of 2015 was registered and after due investigation, 2nd respondent laid the charge sheet against the petitioner for the offence punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, and cognizance of offence was taken and the case is pending in C.C.No.26 of 2016. It is stated that the petitioner and the 3rd respondent settled the matrimonial dispute at U.S.A. and the marriage stood dissolved by the Court at U.S.A. and as the petitioner is resident of U.S.A., he could not attend in the said C.C. and though he is intending to travel to India to settle the dispute, he is apprehending arrest in the hands of 2nd respondent-police in connection with execution of N.B.Ws. pending against the petitioner in the said C.C.

While exercising the powers under Article 226 of Constitution of India, this Court is not inclined to interfere with the impugned proceedings. However, since it is the apprehension of the petitioner that he may be arrested in execution of N.B.Ws. pending against him, he is directed to appear before the XIII Additional Chief Metropolitan Magistrate (Mahila Court), Metropolitan Criminal Courts at Hyderabad and file an application in C.C.No.26 of 2016 to recall the warrants and

the Court shall consider the same and recall the warrants on the same day on condition of petitioner executing a personal bond for a sum of Rs.10,000/- with one surety with an undertaking to appear on further dates before the Court regularly. Further operation of lookout circulars, if any, pending against the petitioner is hereby suspended.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

23.12.2016.
Tsr

RAJA ELANGO,J



