

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39005 of 2016

ORDER

This writ petition is filed by the petitioner seeking to declare the cognizance taken in C.C.No.906 of 2016 on the file of XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, registered for the offences punishable under Sections 498-A, 494 IPC and under Sections 3 and 4 of Dowry Prohibition Act, as illegal and arbitrary and to quash the same.

2. It is stated in the affidavit that the charge sheet was filed against the petitioner and others alleging that the marriage of 3rd respondent was performed with A1 in the year 1991 and during subsistence of first marriage, A1 married petitioner/A2 and all the accused harassed her mentally and physically for additional dowry. It is stated that a false case has been foisted against the petitioner/A2 and that NBW was issued against her.

3. Learned counsel for petitioner submits that the petitioner is willing to appear before the Court regularly and therefore, the NBW pending against her may be recalled.

4. Considering the facts and circumstances of the case and in view of the nature of offence, the petitioner is directed to appear before the trial Court on or before 28.11.2016 and make an application for recalling of NBW pending against her. On filing such application, the trial Court shall recall the warrant on the petitioner/A2 executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for a like sum to its satisfaction,

failing which, the trial Court is at liberty to take appropriate steps. Till such time, the warrant issued against the petitioner/A2 is hereby suspended. The petitioner/A2 is further directed to appear before the trial Court on each and every date of adjournment.

5 With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

11th November, 2016

sj



