

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44861 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to call for the records relating to C.C.No.689 of 2016, on the file of the Special Judicial Magistrate of First Class, Excise, West Godavari District, at Eluru, and to quash the proceedings thereon.

Heard and perused the material available on record.

The grievance of the petitioners is that the 3rd respondent lodged a complaint before the Women Police Station, Eluru, against the petitioners alleging that marriage between the 3rd respondent and the 1st petitioner, who is the son of petitioners 2 & 3, was performed on 15.02.2013 and that for a period of one month, the 1st petitioner and his family members looked after the 3rd respondent as usual, but later, the 1st petitioner along with his family members, started harassing the 3rd respondent, both physically and mentally, for additional dowry of Rs.10,00,000/-.

Based on the said complaint, the 2nd respondent registered the same as Crime No.22 of 2015 against the petitioners for the offences under Sections 498-A, 420 read with 34 IPC and Sections 3 & 4 of the Dowry Prohibition Act & Section 156(3) Cr.P.C. on 05.06.2015 and after investigation, the 2nd respondent filed charge sheet and the same was numbered as C.C.No.689 of 2016 and the same is pending on the file of the Special Judicial Magistrate of First Class, Excise, Eluru, West Godavari District.

After arguing for some time, when this Court expressed its opinion that this Court is not inclined to interfere with the trial before the concerned Court, the learned counsel for the petitioners submitted that the petitioners may be permitted to file discharge application and their presence before the trial Court may be dispensed with.

Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioners, if the petitioners are aggrieved over the pendency of the case and if it is the case of the petitioners that no offence is made out, then the petitioners are at liberty to file a discharge application before the trial Court and on such application being filed, the trial Court shall consider the same in accordance with law. Till the disposal of such discharge application, except the 1st petitioner, the presence of petitioners 2 to 7 before the trial Court is dispensed with.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 22nd December, 2016

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