

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38282 of 2016

ORDER:

This writ petition is filed seeking to call for the records pertaining to C.C.No.77 of 2016, on the file of the Mahila Police Station, Chittoor, Chittoor District, which was booked under Section 498-A IPC and Section 4 of the Dowry Prohibition Act, dated 03.11.2015, and to quash the same.

Heard and perused the material available on record.

The grievance of the petitioner is that the petitioner is the sister of the 4th respondent's mother-in-law. The 4th respondent is the *de facto* complainant in FIR No.20 of 2015 registered by the 3rd respondent for the offence under Section 498-A IPC and Section 4 of the Dowry Prohibition Act, based on the private complaint filed by her before the III Additional District Munsif Magistrate, Chittoor, and now charge sheet is filed and case is numbered as C.C.No.77 of 2015, on the file of the III Additional District Munsif Magistrate, Chittoor. The petitioner was not even aware as to when the marriage took place and she was not even in talking terms with her sister since many years prior to the marriage of the 4th respondent with the petitioner's sister's son and that the petitioner was not even called for the fixation, marriage or any ceremony thereafter and that the petitioner was implicated in the crime as A-5 only with an ulterior motive to extract money from her and that filing of the charge sheet against the petitioner, when there is no specific allegation against the petitioner with regard to the alleged offences, is abusive of process of law and if the same is not stayed, the petitioner will suffer heavily and irreparably.

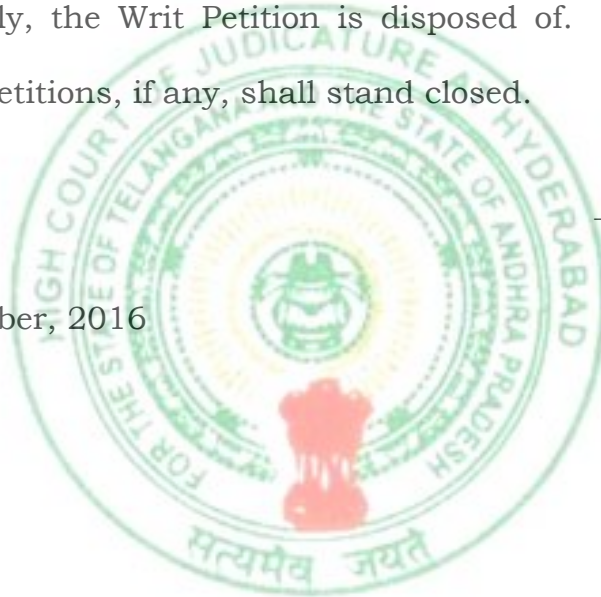
After arguing for some time, the learned counsel for the petitioner submitted that the petitioner may be permitted to file discharge application and her presence before the trial Court may be dispensed with.

Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner, the petitioner is permitted to file 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, the presence of the petitioner before the trial Court is dispensed with.

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

Date: 8th November, 2016

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RAJA ELANGO,J