

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.12 OF 2017

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings against the petitioners in C.C. No.584 of 2016 pending on the file of Additional Judicial First Class Magistrate, Vizianagaram, for the offences punishable under Sections 498-A and 506 of Indian Penal Code, 1860 (for short, 'I.P.C.') and Sections 3 and 4 of Dowry Prohibition Act, 1961, on various grounds.

During hearing, Sri P.Durga Prasad, learned counsel for the petitioners, requested to dispense with the appearance of the petitioners in C.C. No.584 of 2016 pending before the Additional Judicial First Class Magistrate, Vizianagaram, without inviting the order on merits.

No doubt, the first petitioner is aged about 65 years, second petitioner is aged about 59 years, and petitioners 3 and 4 are aged about 35 and 40 years respectively and expressing their difficulty to attend the court in connection with the C.C. referred above. However the relief claimed in the petition is to quash the proceedings in the C.C. referred above. But this court cannot travel beyond the pleadings and pass an order to dispense with the appearance of the petitioners in the C.C. referred above exercising power under Section 205 of Cr.P.C. or under Rule 37 of Criminal Rules of Practice.

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In any view of the matter, I deem it appropriate to direct the petitioners to file a petition under Section 205 of Cr.P.C. or under Rule 37 of Criminal Rules of Practice before the trial court, to dispense with their appearance or represent any one of them , after due service of notice on the second respondent. On filing such application, the learned Magistrate is directed to consider the same and pass appropriate orders, in accordance with law.

Accordingly, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 03.01.2017
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