

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2419 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in C.C.No.1192 of 2015 on the file of Judicial Magistrate of First Class, Sangareddy, Medak District, against the petitioners.

2. Petitioners are arraigned as accused Nos.4, 5, 7 and 8 in the aforesaid Calendar Case. They alleged to have committed the offences punishable under Sections 498A and 506 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

3. Sri P. Srihari Nath, learned counsel for the petitioners, while pleading innocence and false implication of the petitioners in the commission of aforesaid offences, would submit that the petitioners reside in all together a different District and there was no occasion for them to indulge in the commission of offences levelled against them, on the complaint filed by respondent No.2 – *de facto* complainant, more particularly, the marriage between accused No.1 and respondent No.2 – *de facto* complainant had taken place about 21 years ago i.e., in 1996 and petitioner No.4 is shown as alleged second wife of accused No.1. However, the learned counsel would restrict the relief of the petitioners to the extent of dispensing with their presence during trial of the aforesaid Calendar Case, by giving up the request for quashment of the proceedings in the aforesaid Calendar Case.

4. The request appears to be reasonable, for the reason that not only it is stated that the petitioners were living in a different District, but also in view of the fact that petitioner No.4 is shown as alleged second wife of accused No.1.

5. Hence, acceding to such a request, the appearance of the petitioners – accused Nos.4, 5, 7 and 8 i.e., Mohd. Chand, Mohd. Ali, Mohd. Gaffur and Ayesha Begum, is dispensed with during trial of C.C.No.1192 of 2015 on the file of Judicial Magistrate of First Class, Sangareddy, Medak District, except on the dates of examination of the petitioners under Section 239 Cr.P.C. and under Section 313 Cr.P.C. and on other occasions where the learned Magistrate opines that their presence is absolutely necessary.

6. Accordingly, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 24, 2017.
MD