

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2343 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.78 of 2016 on the file of IV Additional Judicial Magistrate of First Class, Tirupati, Chittoor District.

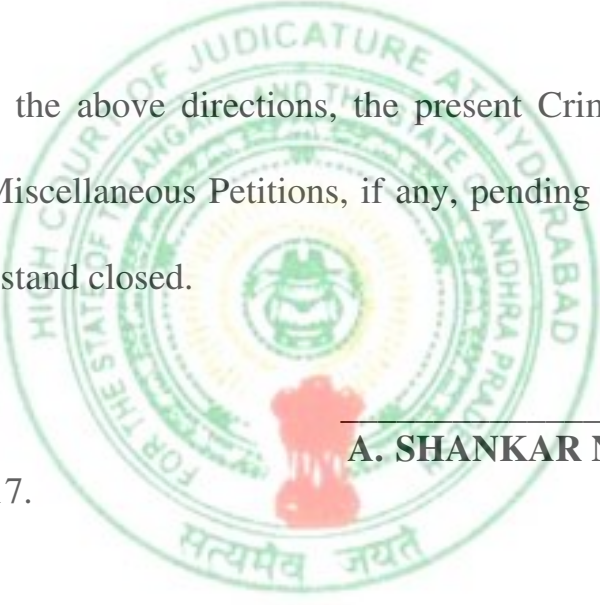
2. Petitioners are arraigned as accused Nos.2 and 3 in the aforesaid Calendar Case. They are the brother and sister-in-law of accused No.1, who is the husband of respondent No.1 – *de facto* complainant. They alleged to have committed the offences punishable under Section 498A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

3. Sri D. Purna Chandra Reddy, learned counsel for the petitioners, having advanced arguments, however, restricts the request to that of dispensing with the appearance of the petitioners before the Court below during trial and would submit that the petitioners would fight out before the Court below by projecting their defence, as to their separate living, but not along with accused No.1 and the *de facto* complainant. Learned counsel would also submit that the other accused i.e., accused Nos.4 to 7 are other two brothers of accused No.1 and their wives, who are all living in a different place at Chittoor District.

4. The request appears to be reasonable, keeping in view, the separate residence of the petitioners, as shown in the charge sheet itself. Therefore, the appearance of petitioners herein – accused Nos.2 and 3 i.e., J. Narayana and J. Chandramma, in the aforesaid Calendar Case is dispensed with during trial, but, however, they are directed to appear as and when the Court below takes up examination under Section 239 Cr.P.C. and under Section 313 Cr.P.C., and also on other occasions where the learned Magistrate feels that their presence is absolutely necessary.

5. With the above directions, the present Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

March 21, 2017.
MD

**A. SHANKAR NARAYANA, J**