

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.1631 AND 1632 OF 2017

COMMON ORDER:

In the former petition, somehow, petitioner No.1 is shown as accused No.1, though, the learned X Metropolitan Magistrate, Cyberabad, Malkajgiri has taken cognizance only against accused Nos.2 to 6, who are petitioner Nos.2 to 6, and, thus, there appears to be some defect.

2. In the latter petition, the sole accused (husband of the *de facto* complainant, respondent No.2) who is shown as petitioner No.1 in the former petition, is the petitioner.

3. The learned Magistrate while taking cognizance of the offences punishable under Sections 498-A, 506 and 509 of the Indian Penal Code, 1860 (IPC), against accused Nos.1 to 5 (petitioner Nos.2 to 6) in C.C. No.342 of 2016, referred to C.C. No.662 of 2015, where the husband of the *de facto* complainant is arraigned as sole accused for the offence punishable under Section 498-A of IPC; and, thus, cognizance was taken only against petitioner Nos.2 to 6 (accused Nos.1 to 5 in C.C. No.342 of 2016).

4. By the present Criminal Petitions, the petitioners sought quashment of the proceedings in C.C. No.342 of 2016 and 662 of 2016, respectively, on the file of the learned X Metropolitan

Magistrate, Cyberabad, Malkajgiri, for the offences alleged, referred to above.

5. The learned counsel, though, initially intended to submit the arguments for quashing, however, confined the submission to the extent of dispensing with the presence of the accused in C.C. No.662 of 2015 is concerned, where he arraigned as sole accused, on the ground that he is working at Bangalore, but, the learned counsel admits that the said fact is not mentioned in either petitions. No material is filed to show that the sole accused is working at Bangalore. In fact, the description in the cause title of the latter petition would show that the sole accused is in private service and residing at Mallikarjuna Nagar, Malkajgiri, Hyderabad, Ranga Reddy District; in which case, at this stage, it is difficult to accede to the request of the learned counsel. Even otherwise, it is the submission of the learned counsel that examination under Section 239 of Cr.P.C. is yet to be done.

6. Therefore, leaving it open to the sole accused to move a fresh application with all relevant details, the latter Criminal Petition is disposed of, at the admission stage itself.

7. So far as the former criminal petition is concerned, the material available on record would show *prima facie* allegations against the petitioners and that the learned Magistrate has already taken cognizance of the offences alleged. Hence, it is not a fit case for

quashing the proceedings, and, therefore, the former Criminal Petition is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in both the Criminal Petitions stand closed.

A. SHANKAR NARAYANA, J

March 1, 2017.

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