

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6928 of 2017

ORDER:

Heard the counsel for the petitioner/A2 of C.C.No.928 of 2016 pending on the file of IV Additional Chief Metropolitan Magistrate, Vijayawada, where the learned Magistrate has taken cognizance for the offence punishable under Section 420 IPC; the Public Prosecutor representing the State for the 2nd respondent; and the counsel for the 1st respondent-*de facto* complainant. Perused the grounds urged in the petition, the FIR, and the cognizance taken from the sworn statement of the *de facto* complainant in C.F.No.7375 of 2016, dated 14.07.2017.

A2 is no other than the wife of A1. A perusal of the material record no way requires the Court to delve into the disputed questions of fact and prejudge the matter but for giving opportunity for the private complaint warrant procedure and the prosecution has to lead themselves by contending the offence for the pre-charge enquiry as contemplated by Sections 244 and 245 Cr.P.C. All defences of the petitioner/accused are left open. Needless to say, if at all any application under Rule 37 of the Criminal Rules of Practice to represent the petitioner/A2/wife is filed by her husband/A1, the trial court shall consider the same but for any requirement of any personal appearance as and when so to direct.

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

September 4, 2017
LMV

