

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA
CRIMINAL PETITION Nos.1639, 1689, 1694,1695, 1696, 1697
AND 1699 OF 2017

COMMON ORDER:

These Criminal Petitions, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), are filed by accused Nos.1, 6, 7, 4, 5, 2 and 3, respectively, in C.C.No.7 of 2017 on the file of Special Judicial Magistrate of First Class, Erramanzil, Hyderabad, requesting to quash the proceedings in the said Calendar Case.

2. The petitioners alleged to have committed the offences punishable under Sections 498-A, 420, 406, 506, 341 and 376-B I.P.C.

3. Heard Sri Subramanyam Daraboina, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioners, though, initially advanced arguments referring to the averments in the complaint filed by respondent No.2 – *de facto* complainant, but, however, would submit that one month after taking place of marriage, respondent No.2 has addressed a letter to accused No.1 – husband expressing her satisfaction as regards her marriage with him. According to the learned counsel, it would cut at the root of the case of respondent No.2. Though, the learned counsel submits that prosecuting the petitioners in the aforesaid Calendar Case amounts to abuse of process of law, but, however, he would further submit that it has to be tested

when respondent No.2 – *de facto* complainant steps into the witness box and deposes, while examining herself as a witness.

5. Having regard to the aforesaid circumstances, certainly, it is a case where prosecution has to be conducted in the Calendar Case, in order to look at the genuineness and evidentiary value, subject to proof and validity, of the document submitted by the learned counsel for petitioners, which is said to be a letter addressed by *de facto* complainant to accused No.1, of course, without any date, and, therefore, the present petitions are liable to be dismissed.

6. Accordingly, the Criminal Petitions are dismissed. However, acceding to the request of learned counsel for petitioners, presence of accused Nos.6 and 7, who are unmarried and married sisters of accused No.1, is dispensed with during trial, but, however, they are directed to appear before the trial Court, as and when the Court takes up examination under Section 239 Cr.P.C., when it frames charges and when the case reaches the stage of examination under Section 313 Cr.P.C. and also whenever the learned Magistrate feels that their presence is required and directs them to appear.

7. Miscellaneous Petitions, if any, pending in these Criminal Petitions, shall stand closed.

A. SHANKAR NARAYANA, J

March 07, 2017.
MD