

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3489 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in D.V.C. No.11 of 2016 on the file of the Judicial Magistrate of First Class for the trial of Prohibition and Excise Offences, Nellore.

2. Petitioner Nos.1 to 6 herein, who are husband, parents-in-law, brother-in-law, co-sister, sister-in-law of the *de facto* complainant, are arrayed as respondent Nos.1 to 6 respectively and petitioner No.7-respondent No.7, who is the husband of petitioner No.6-respondent No.6, is arrayed as respondent No.7 in the aforesaid D.V.C.

3. Heard Sri G.Vijaya Saradhi, learned counsel for the petitioners and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. Learned counsel for the petitioners, though giving up the request for quashment, seeks dispensing with the presence of petitioner Nos.2 to 7 - respondent Nos.2 to 7 before the DVC Court in D.V.C.No.11 of 2016 on the ground that petitioner Nos.2 and 3-respondent No.2 and 3 are aged persons, petitioner No.5-respondent No.5 is a married lady and she is living with her husband i.e.,

petitioner No.4-respondent No.4, in a separate house and petitioner Nos.6 and 7-respondent Nos.6 and 7 are living in Karanataka State.

5. Since respondent No.1 in DVC, who is the husband of the *de facto* complainant-respondent No.2 herein, is appearing before the Court, where DVC proceedings are pending, he shall represent other petitioners herein and the presence of petitioner Nos.2 to 7-respondent Nos.2 to 7 is dispensed with till the conclusion of the proceedings in D.V.C.No.11 of 2016 on the file of the Judicial Magistrate of First Class for the trial of Prohibition and Excise Offences, Nellore. However, as and when the learned Magistrate directs petitioner Nos.2 to 7-respondent Nos.2 to 7 to appear, if their presence is absolutely necessary.

6. With the above observation, the criminal petition is dismissed.

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

A. SHANKAR NARAYANA, J

28th April 2017

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