

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.522 of 2017

ORDER :

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the proceedings in C.C.No.564 of 2016 on the file of the VI-Additional Judicial First Class Magistrate, Guntur.

2. The petitioners alleged to have committed the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Heard Sri T.Ratan Singh, learned counsel for the petitioners and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The learned counsel for the petitioners having argued at length regarding the averments in the charge sheet as well as the complaint and also submitting that the 1st petitioner and the 2nd respondent never resided in the house of the 2nd petitioner and that there was no occasion for petitioners 2 to 4 to cause ill-treatment or to harass the 2nd respondent as they are living in a different place, seeks to quash the proceedings on the ground that a false complaint is foisted by the 2nd respondent implicating the petitioners herein. The learned counsel also submits that the 4th petitioner is suffering from cancer and in support of his submission, he has drawn the attention to the medical evidence showing that the 4th petitioner was treated in Gokul Venkateshwara Multi Speciality Hospital, Sanga Reddy, and other certain reports.

5. When the allegations at this stage constitute prima facie material and calendar case is coming up for examination, it cannot be said that the proceedings in the calendar case can be thrown away unless a full-fledged trial takes place. The submissions made by the learned counsel as regards the circumstances pointed out by him cannot be considered at this stage. Therefore, this is not a fit case to quash the proceedings in C.C.No.564 of 2016.

6. However, in view of the fact that the 4th petitioner is suffering from cancer and the 3rd petitioner, being the wife, has to look after the 4th petitioner, the presence of the 3rd and 4th petitioners is dispensed with. However, both of them shall appear before the learned Magistrate when the examination under Section 239 Cr.P.C. is being taken up and on all occasions whenever the learned Magistrate directs them to appear.

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

8. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

25th January 2017.

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