

THE HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION NO.7940 OF 2013

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.3364 of 2013 on the file of the XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad.

2. Heard the learned counsel for the petitioner-accused and the learned Public Prosecutor appearing for the 1st respondent. None appears on behalf of the 2nd respondent in spite of notice.

3. A perusal of the charge sheet would show that specific allegations are made against the petitioner that he committed several acts of cruelty. Whether the said acts fall within the purview of Section 498-A IPC or not have to be adjudicated after due trial. An opportunity has to be given to explain about the affect of such cruelty meted out to the de facto complainant. The contents of the affidavit, which is filed by the de facto complainant in DVC No.5 of 2013 on the file of the Judl. Magistrate of I Class, Alamuru, reveal that she went to Police Station to file a complaint with regard to theft at her house and the police in stead of registering the theft case, registered the case against the respondents under Section 498-A IPC. She further stated that later the police, deleted the names of the respondents 2 to 4. Now, she is intending to take action in that regard. Whether she is intending to take action for non registration of the theft case or deletion of names of the respondents 2 to 4 is not understandable. This case has to be investigated to understand the truth of the allegations.

4. The request of the learned counsel for the petitioner to give a direction to the lower Court to dispense with the presence of the petitioner is considered as reasonable. The presence of the petitioner-accused need not be there in the lower Court whenever it is not necessary and the lower Court is directed to insist upon the presence of the petitioner-accused only when his presence is required in the proceedings.

5. With the above direction, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending, in this petition shall stand closed.

DATED: 27-12-2017.
Hsd

T.RAJANI, J

