

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3130 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in C.C.No.936 of 2015 on the file of Additional Judicial Magistrate of First Class, Anantapur.

2. Petitioners are arraigned as accused Nos.2 and 3 in the aforesaid Calendar Case. They are the parents of accused No.1, who is residing at United States of America (U.S.A.).

3. Heard Sri N. Pavan Kumar, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

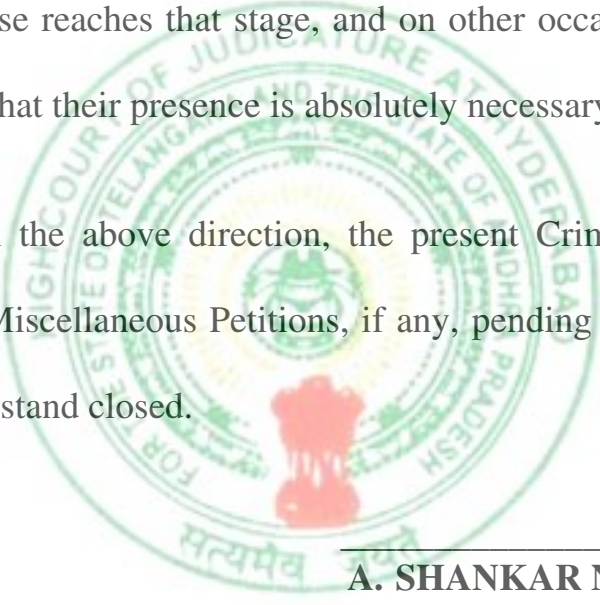
4. The submission of the learned counsel for petitioners has been that respondent No.1 – *de facto* complainant and her husband, who is accused No.1, have been living under the same roof in U.S.A., as per the order, dated 24.11.2016, passed by this Court in W.P.MP.No.50823 of 2016 in/and W.P.No.17849 of 2016, which was an Habeas Corpus petition, a copy of the order is also filed in the material papers, wherein, the Honourable Division Bench, while allowing W.P.MP.No.50823 of 2016, disposed of W.P.No.17849 of 2016 in terms of the Memorandum of Understanding, dated

24.11.2016, entered into by the respondent No.1 - *de facto* complainant and her husband, who is accused No.1.

5. In that view of the matter, the appearance of petitioners herein viz., Rangappagari Lakshmaiah and Rangappagari Lakshmi Devi, is exempted in C.C.No.936 of 2015 on the file of Additional Judicial Magistrate of First Class, Anantapur, except on the dates when they are required to be examined under Section 239 of the Code, in case, it is yet to be taken up and under Section 313 of the Code, in case, if the case reaches that stage, and on other occasions where the Court opines that their presence is absolutely necessary.

6. With the above direction, the present Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

April 28, 2017.
MD


A. SHANKAR NARAYANA, J