

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.16516 OF 2016

ORDER:

Sri Akkala Haseem Babu - Party-in-Person, who is petitioner herein, is arraigned as accused No.1 in Calendar Case No.94 of 2016 on the file of the Judicial Magistrate of First Class at Palasa, Srikakulam District. He requests to quash the proceedings in the said Calendar Case under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code').

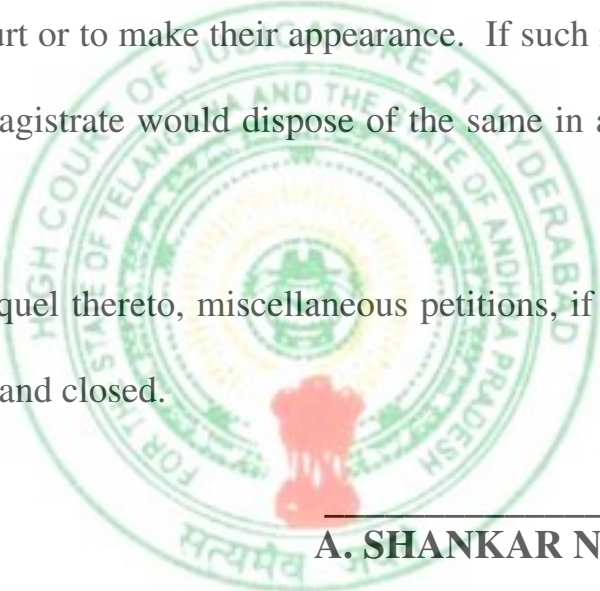
2. He along with accused Nos.2 to 6 alleged to have committed the offences punishable under Sections 498-A and 354-C IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961. It appears since they were shown absconding; non-bailable warrants were issued by the learned Magistrate when cognizance was taken on 01.06.2016.

3. The petitioner herein now, while pleading innocence and his false implication, makes two requests. First is to quash the offence punishable under Section 354-C IPC; second, to exempt the appearance of accused Nos.2 to 6, who are his parents and other family members. Admittedly, the other accused are not parties to the present petition. Therefore, the second request made by the petitioner cannot be acceded to and hence rejected.

4. So far as the first request is concerned, when specific allegations are forthcoming in the complaint as well as statements of

witnesses recorded under Section 161 of the Code, certainly, it is not the stage to quash the penal provision of Section 354-C IPC. The statements are so vivid to attract the offence punishable under Section 354-C IPC, at least the statement of LW.1. Therefore, even that request is rejected dismissing the petition. It is, however, open to the petitioner to move the learned Judicial Magistrate of First Class, Palasa, invoking the provisions of Rule 37 of the Criminal Rules of Practice, in case his parents and others are really unable or disabled to attend the Court or to make their appearance. If such request is made, the learned Magistrate would dispose of the same in accordance with law.

As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.



A. SHANKAR NARAYANA, J

March 20, 2017.

Mgr