

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.643 OF 2017

ORDER:

Heard Sri Vuppalapati Srinivasa Rao, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State of Telangana.

2. The petitioner herein is arraigned as accused No.2 in C.C. No.196 of 2015 on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B. Nagar, for the offences alleged to have committed under Sections 498A and 506 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. The learned counsel for the petitioner would submit that except at one or two places in the complaint, there is no reference of petitioner anywhere as having been actively participated in the commission of alleged offences against him, and that the petitioner being a private Civil Engineer has been facing lot of inconvenience on account of aforesaid Calendar Case, which is based on a private complaint filed by the wife of his brother and, therefore, sought to quash the proceedings in the aforesaid Calendar Case against him.

4. On the other hand, the learned Additional Public Prosecutor would point out one of the averments in the complaint that the petitioner - accused No.2 is instrumental in the marital tie of accused

No.1 and respondent No.2 - complainant getting broken; the Calendar Case is pending before the learned Magistrate Court; and when the complaint as well as the statements would contain such an allegation attributing that the petitioner herein is responsible, certainly, it cannot be said that there is no material to proceed with the trial and, therefore, quashing the proceedings in the Calendar Case against the petitioner herein does not arise.

5. It is no doubt true, the learned counsel urges that the petitioner being a private Civil Engineer, has to attend to his avocation and on account of the Calendar Case, he has to make his presence in Court waiting all through and seeks to dispense with the petitioner's presence on the dates of hearing, but, however, the petitioner would attend as and when the Court directs. Such a relief can be made before the learned Magistrate under the relevant provisions of the Code of Criminal Procedure or the Criminal Rules of Practice, where a provision is made.

Therefore, the present Criminal Petition is dismissed at the admission stage itself. As a sequel thereto, Miscellaneous Petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

January 30, 2017.
Mgr