

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.173 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C. No.684 of 2016 on the file of the Judicial Magistrate of First Class at Tiruvuru, Krishna District (for short, 'the trial Court'), against the petitioners-A.1 to A.5 for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioners-A.1 to A.5 and learned Additional Public Prosecutor, apart from perusing the material available on record.

3. Learned counsel for the petitioners-A.1 to A.5 would submit that there are no accusations against the petitioners-A.1 to A.5; the continuation of the proceedings in the calendar case against the petitioners-A.1 to A.5 would be abuse of process of law; and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the relief sought by the petitioners.

5. As per the material on record, there are allegations against the petitioners-A.1 to A.5. Learned counsel for the petitioner would submit that that the personal appearance of the petitioners-A.4 and A.5 may be dispensed with, as they are residing at Hyderabad. As per the record, the petitioners-A.4 and A.5 are residing at Hyderabad and the place of the Court is far away from Tiruvuru, Krishna District. The trial Court shall not insist the appearance of the petitioners-A.4 and A.5 on all days. As and when the petitioners-A.4 and A.5 are prevented from attending the trial

Court in view of the exigencies, they can file an application to dispense with their personal appearance on those days. In such event, the trial Court may consider the said application.

6. With the above observation, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 22-01-2018
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