

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.801 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 to 7, seeking to quash the proceedings in C.C.No.80 of 2013 on the file of the XV Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offence punishable under Section 498-A of I.P.C.

2. Heard the learned counsel for the petitioner/accused No.1 to 7, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioners/accused Nos.1 to 7, having argued for some time, finally submitted that the petitioner/accused No.2 is an old woman. Accused Nos.5 and 7 are also women. If their personal attendance before the Court below is directed to be dispensed with, it would be sufficient.

4. The learned Assistant Public Prosecutor brought to the notice of this Court, the order, dated 13.10.2017, passed by this Court in Criminal Petition No.9732 of 2017, wherein, the subject dispute was referred to the Committee constituted in terms of decision of the Apex Court in Rajesh Sharma & Others Vs. State of U.P. & another¹.

5. Under these circumstances of the case, if the petitioners/accused Nos.1 to 7 have got any difficulty in attending

¹ 2017 (2) ALT (Cr.) 393 (SC)

the Court below, they are at liberty to file an application under Section 317 of Cr.P.C or if they want to be represented by one of the accused, they can choose to do so by filing an application under Rule 37 of Criminal Rules of Practice. If any such application/s is/are filed before the Court below, the Court below may consider the same sympathetically.

6. As far as the merits of the case is concerned, there are allegations which constitute offence under Section 498-A of I.P.C. It is not a fit case to quash the proceedings against the petitioners/accused Nos.1 to 7 in C.C.No.80 of 2013 on the file of the XV Additional Chief Metropolitan Magistrate, Hyderabad.

7. With the above directions, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

31st January, 2018
Bvv