HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.5007 of 2011

ORDER:

In this Petition filed under Section 482 Cr.P.C, petitioners/A1 to A3 seek to quash the proceedings against them in C.C No. 60 of 2010 on the file of V Additional Judicial First Class Magistrate, Kakinada, East Godavari District, which was taken cognizance against them for the offences under Section 498-A r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961.

It is to be noted that though police filed charge sheet against A4 & A5, the proceedings against them were quashed by this Court in its order dated 21.7.2011 in Crl.P.No. 5683 of 2010.

The main thrust of argument of learned counsel for petitioners is that the trial Court has no territorial jurisdiction to decide the matter as the FIR and the charge sheet would reveal that the entire instances leading to the offence under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, if believed have taken place in Visakhapatnam but not at Kakinada, the Court at Kakinada has no jurisdiction to try the offences.

Having regard to the fact that charge sheet in this case was filed and it was taken cognizance and registered as CC No. 60 of 2010, without going into the merits of the point of argument raised by the learned counsel for petitioners, this Court gives liberty to the petitioners/A1 to A3 to file a discharge application before the trial Court taking the pleas that are available to them

under law, in which case, the trail Court shall pass appropriate order on merits at the earliest.

Having regard to the submission that the petitioners/A2 and A3 are age old persons, their presence before the trial Court is dispensed with except on the occasions when the trial Court requires their attendance.

The Criminal Petition is disposed of accordingly. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 06.07.2018
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