

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.5939 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners-A.1 to A.4 seeking to quash the proceedings against them in C.C. No.605 of 2015 on the file of the Judicial Magistrate of First Class, Sattupalli, Khammam district registered for the offences punishable under Sections 498A IPC and 3 & 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners, the learned Assistant Public Prosecutor appearing for the respondent-State, the learned counsel for respondent No.2-defacto complainant, and perused the record.

3. Learned counsel appearing for the petitioners-A.1 to A.4 would submit that the allegations do not constitute the offences alleged against the petitioners-A.1 to A.4 and that respondent No.2-defacto complainant deserted her husband (petitioner-A.1) long back and that continuation of the impugned proceedings against the petitioners-A.1 to A.4 is nothing but abuse of process of Court, and ultimately, prayed to quash the impugned proceedings against petitioners-A.1 to A.4.

4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of relief sought in the Criminal Petition.

5. Learned counsel for respondent No.2-defacto complainant would submit that the allegations make out a *prima facie* case for the offences alleged against the petitioners-A.1 to A.4 and hence, there are no grounds to quash the same.

6. In view of the contentions put forth by both sides, the point for determination is whether the proceedings in C.C. No.605 of 2015 on the file of the Judicial Magistrate of First Class, Sattupalli, Khammam district can be quashed against the petitioners-A.1 to A.4 ?

7. As far as allegations against the petitioners-A.1 to A.4, the court below has to decide truth or otherwise of the allegations. The petitioners-A.1 to A.4 are at liberty to file an application for discharge in accordance with law, and on filing of such application, the Court below has to consider it on merits in accordance with law.

8. It is submitted by the learned counsel for the petitioners-A.1 to A.4 that petitioner-A.4 is aged 88 years and is suffering from health problems and not in a position to move. Taking into consideration of age and health condition of the petitioner-A.4, her presence is dispensed with in the proceedings before the Court below subject to her complying with Section 205 Cr.P.C.. As and when her presence is specifically required, the Court below may order her presence. As far as other petitioners-A.1 to A.3 are concerned, in case of any difficulty in attending the Court, they are at liberty to invoke the relevant provisions of law.

9. Without expressing any opinion with regard to merits of the case, the Criminal Petition is disposed of with the above direction.

Miscellaneous Petitions pending, if any, in the Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

21.2.2018
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