

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2633 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioners to quash the proceedings in C.C.No.630 of 2017 on the file of the IV Additional Junior Civil Judge, Guntur.

Heard the learned counsel for the petitioners, learned Assistant Public Prosecutor representing the first respondent-State and perused the record.

Cognizance was taken against the petitioners-accused Nos.2 to 5 for the offences punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. Learned counsel for the petitioners contended that these petitioners are living separately from the residence of first accused. These petitioners are nothing to do with the offences alleged against them. Some *omnibus* allegations were made against the petitioners. The main allegation is against accused No.1. It is causing inconvenience to the petitioners to attend the Court and ultimately, prayed to quash the proceedings in C.C.No.630 of 2017.

As seen from the FIR as well as the charge sheet filed against these petitioners, there are allegations of cruelty, physical and mental and also dowry harassment against these petitioners. The truth or otherwise of the allegations is required to be established after due trial. The petitioners are living at a distant place and away from the family of the first accused cannot be a ground to quash the proceedings. As submitted on behalf of the petitioners,

if there is difficulty in attending the Court below, there are provisions under Sections 317 Cr.P.C. to seek for dispense with the personal attendance of the petitioners. There are no merits to consider the request of the petitioners. The Criminal Petition is liable to be dismissed. Whenever the petitioners file applications to dispense with their presence, the Court below may consider the same in accordance with law.

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

(DR. SHAMEEM AKTHER, J)

6th March 2018
RRB

