

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.6236 OF 2018

ORDER:

This criminal petition is filed to quash the proceedings against A-2,3,5 & 7 in C.C.No.233 of 2017 on the file of Judicial First Class Magistrate, Achampet, Mahbubnagar District, for the offences punishable under Section 498-A r/w 109 IPC.

The petitioners are arrayed as A-2,3,5 & 7 in the above calendar case and the second respondent is the defacto complainant who filed private complaint against these petitioners.

During hearing, learned counsel for the petitioners requested this Court to dispense with the appearance of the petitioners before the Magistrate Court, on the dates of adjournment, except on the dates when their personal presence is required without touching the merits of the case. It is further contended that, petitioners 1 & 2 are aged 89 & 78 respectively and petitioners 3 & 4 are married and living separately with their respective families.

However, I am unable to concede to the request of the learned counsel for the petitioners. If the petitioners filed application under Section 205 Cr.P.C or under Rule 37 of Criminal Rules of Practice, after serving notice on the second respondent/complainant, and on filing such application, the Magistrate concerned may consider the request for dispensing their appearance, depending upon the age of the petitioners 1 & 2 and separate living of petitioners 3 & 4 and pass appropriate orders in accordance with law.

With the above direction, criminal petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:18.06.2018

Note: Issue copy by 20.06.2018

b/o
SP

