

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.7440 OF 2018

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in C.C.No.648 of 2016 on the file of the Judicial First Class Magistrate, Kurnool, Kurnool District, registered for the offences punishable under Sections 498-A and 324 r/w 34 of Indian Penal Code (for short "I.P.C.") and under Sections 3 and 4 of Dowry Prohibition Act.

Sri Swamulu.G.M., learned counsel for the petitioners after arguing the matter for sometime, requested this Court to dispense with the appearance of the petitioners in view of the guidelines formulated by the Apex Court in ***"Rajesh Sharma v. State of U.P."***¹

While exercising power under Section 482 of Cr.P.C., this Court cannot exercise power under Section 205 of Cr.P.C. However, the petitioners are at liberty to file application under Section 205 of Cr.P.C. or under Rule 37 of Criminal Rules of Practice before the concerned Court. On filing such application, the Magistrate concerned is directed to dispose of the said application, in accordance with law, within a week from the date of filing such application keeping in mind the guidelines laid down by the Apex Court in ***"Rajesh Sharma v. State of U.P."*** (referred supra).

With the above direction, the criminal petition is disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

18.07.2018
Ksp

¹ 2017 (2) ALT (CrL.) 393 (SC)