

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7442 of 2018

ORDER :

The petitioners/ A2 and A3 filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of their arrest in connection with Crime No.117 of 2018 on the file of Women Police Station, Visakhapatnam, registered for the offences punishable under Sections 498-A and 506 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned counsel for the petitioners and learned Public Prosecutor representing the State and perused the material on record.

3. The petitioners/ A2 and A3 herein are parents of A1 and A1 is husband of the de facto complainant. Earlier, CrI.P.Nos.6948 and 6499 of 2018 were filed by the petitioners herein and A1 respectively to quash the proceedings of the above FIR and the same were disposed of by this Court on 05.07.2018 and 22.06.2018 respectively, with a direction to the police to follow the guidelines of the Apex Court in Rajesh Sharma v.State of U.P.(2017(2) ALT CrI. 393 (SC)) and Section 41-A Cr.P.C. strictly.

4. The main person to attend the counseling is the husband of the de facto complainant, leave about his parents, who are also supposed to attend. Though, the learned Public Prosecutor received instructions from the police saying the petitioners and A1 are failed to attend the counseling, same is bereft of particulars as to which counseling centre they have to attend either District

Legal Services Authority, Visakhapatnam or any other constituted Committee as the case may be. In the absence of which, the petitioners shall not be arrested, leave about strictly follow Section 41-A Cr.P.C., that question arises only after exhausting remedy laid down in referring to the counsel as per the expression of the Rajesh Sharma (supra).

5. With the above observations, the Criminal Petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand closed.

Date: 03.08.2018
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Dr. B. SIVA SANKARA RAO, J

