

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.8280 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.1481 of 2018 on the file of IV Additional Chief Metropolitan Magistrate, Vijayawada City, registered for the offences under Section 498-A read with Section 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act, against the petitioners/A2 and A3, on various grounds.

2. Learned counsel for petitioners submits that the petitioners are residents of Karnataka State and therefore, the question of their subjecting the de-facto complainant for her failure to meet the illegal demand of additional dowry does not arise. However, he submits that the petitioners are aged about 57 and 53 years respectively, and they are unable to appear before the Court below and therefore, he requested to dispense with their appearance before the Court below whenever their presence is required for the purpose of progress in the Calendar Case.

4. But, this Court cannot exercise such power under Section 482 of Cr.P.C., and it can be exercised by the Magistrate under Section 205 of Cr.P.C. However, liberty is given to the petitioners to file appropriate application before the Court below under Section 205 of Cr.P.C., or under Rule 37 of Civil Rules of Practice, and on filing such application, the Court below is directed to dispose of the same within a week from the date of receipt of the application.

4. With the above direction, the Criminal Petition is disposed of, without touching the grounds raised in the petition. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

6th August, 2018
sj

