

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.8394 of 2018

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code to quash the proceedings in P.R.C.No.34 of 2017 on the file of IV Additional Judicial Magistrate of First Class, Tirupati, registered for the offences punishable under Sections 304(B), 498-A read with Section 34 IPC and under Section 4 of Dowry Prohibition Act, against the petitioners/A2 and A3, on various grounds. .

2. The petitioners herein are the brother and brother's wife of the husband of the deceased and they fall within the definition of the relations of the husband of woman under Section 498-A IPC.

3. During hearing, learned counsel for the petitioners requested to dispense with the appearance of petitioners as they are staying at Sangareddy District, which is far away from the Court where proceedings are pending.

4. While exercising power under Section 482 of Cr.P.C., this Court cannot exercise power under Section 205 of Cr.P.C., or under Rule 37 of Criminal Rules of Practice and it is for the trial Court to decide whether the presence of petitioners is required or not. Therefore, liberty is given to the petitioners to file appropriate application either under Section 205 of Cr.P.C., or under Rule 37 of Criminal Rules of Practice before the trial Court, and on filing such application, the trial Court is directed to dispose of the same within one week from the date of filing of such application.

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

M. SATYANARAYANA MURTHY, J

9th August, 2018
sj

