

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9590 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.496 of 2015 on the file of the I Additional Chief Metropolitan Magistrate, Vishakhapatnam, registered for the offence punishable under Section 498-A of Indian Penal Code (for short "I.P.C.") and under Sections 3 and 4 of Dowry Prohibition Act.

Sri Pottigari Sridhar Reddy, learned counsel for the petitioner requested this Court to dispense with her appearance before the Court below.

This Court cannot exercise power under Section 205 of Cr.P.C. as it is discretionary power conferred on the Magistrate to dispense with her appearance under Section 205 of Cr.P.C. Therefore, the petitioner is directed to file appropriate application under Section 205 of Cr.P.C. or under Rule 37 of Criminal Rules of Practice and on filing such application, the Magistrate concerned is directed dispose of the same within a week, in accordance with law keeping in mind the guidelines formulated by the Apex Court in "***Rajesh Sharma v. State of U.P.***"¹

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

07.09.2018
Ksp

¹ 2017 (2) ALT (CrI.) 393 (SC)