

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9936 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/A1 to quash the proceedings in C.C.No.231 of 2017, pending on the file of Judicial Magistrate of First Class, Kalyandugram, Anantapur District, registered for the offences punishable under Sections 498-A, 307, 448, 354, 506 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, on various grounds.

2. During hearing, learned counsel for the petitioner/A1 contended that the petitioner is the brother-in-law of the 2nd respondent and he is no way concerned with the above offences and requested to dispense with appearance of the petitioner on the dates of adjournment except on the dates whenever he is directed to appear before the Magistrate in connection with the Crime.

03. While exercising power under Section 482 Cr.P.C., this Court cannot exercise power under Section 205 Cr.P.C. or Section 37 of the Criminal Rules of Practice, since it is purely discretion of the Magistrate before whom the petitioner is supposed to appear. Therefore, liberty is given to the petitioner to file appropriate petition before the Magistrate under Section 205 Cr.P.C. or under Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990, and in the event of filing such petition, the Court below is directed to dispose of the same within a week from the date of filing such petition, keeping in view the law declared by the Apex Court in **Rajesh Sharma v. State of U.P.**¹ and **Social Action Forum for Manav Adhikar v. Union of India, Ministry of Law and Justice**².

¹ 2017 (2) ALT (CrL.) 393 (SC)

² Judgment, dated 14.09.2018, in W.P. (Civil) No.73/2015 along with CrL.A.No.1265/2017 and W.P. (CrL.) No.156/2017

4. With the above direction, the present Criminal Petition is disposed of at the stage of admission itself.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

19.09.2018
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