

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.8941 OF 2011

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 3 seeking to quash the proceedings in Calendar Case No.267 of 2010 on the file of the learned Additional Judicial Magistrate of First Class, Giddalur, registered for the offence punishable under Sections 498A of the Indian Penal Code, 1860.

2. Learned counsel for the petitioners submits that petitioner No.2 - accused No.2 is no more.

3. Hence, the case against accused No.2 stands abated. But, so far as accused Nos.1 and 3 are concerned, the complaint shows that there are several allegations against them. The learned counsel for the petitioners submits that the allegation against accused No.3 is only that she has provoked accused No.1. But, the said provocation would amount to an offence punishable under law. Hence, this Court opines that it is not safe to quash the proceedings against accused Nos.1 and 3.

4. Accordingly, the present Criminal Petition is dismissed against petitioner Nos.1 and 3 - accused Nos.1 and 3, while abated against accused No.2. However, the request made by the learned counsel for the petitioners to dispense with the presence of accused Nos.1 and 3 before the learned Magistrate can be considered. The learned

Magistrate is directed not to insist upon the presence of accused Nos.1 and 3 unless their presence is required in the proceedings.

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

SMT. T. RAJANI, J

November 26, 2018
Mgr

