

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10795 OF 2018

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') is filed by the petitioners - accused Nos.2 and 3, to quash the proceedings against them in Calendar Case No.481 of 2018, pending on the file of the learned Judicial Magistrate of First Class at Kurnool, Andhra Pradesh State, registered for the offences punishable under Sections 498-A, 323, 506 and 420 read with 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961, on various grounds.

2. At the stage of hearing, learned counsel for the petitioners, Sri T.V. Laxmikantham, while reiterating the grounds urged in the Criminal Petition, requested this Court to dispense with the appearance of the petitioners before the Magistrate as petitioner No.2 is residing at Dubai. But, this Court cannot exercise power under Section 205 of the Code or Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990, while exercising power under Section 482 of the Code. Since it is purely discretionary order, the petitioners are given liberty to file appropriate application either under Section 205 of the Code, or under Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990, and on filing such application, the learned Magistrate is directed to dispose of the same within two (02) weeks thereafter keeping in mind the principles laid down by the Hon'ble Supreme 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 Justice².**

3. 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

October 10, 2018
Mgr



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