

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.7397 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioners/A-3 and A-4 seeking to quash the proceedings in C.C. No.458 of 2008, pending on the file of the Court of XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad (for short, 'the trial Court'), registered for the offences punishable under Sections 498-A and 420 R/w.34 of I.P.C. and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 1st respondent - State. None appears on behalf of the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. Learned counsel for the petitioners submits that only omnibus allegations are made against these petitioners.

4. But, a perusal of the charge sheet shows that the names of these petitioners are mentioned against all the episodes of harassment meted out by the *de-facto* complainant.

5. Hence, in view of the above, the submission of learned counsel for the petitioners that the 2nd petitioner/A-4 is a married woman and is residing separately cannot be accepted. It is a matter which has to be taken up for trial.

6. Hence, considering the above, this Court opines that this is not a fit case for quashing the proceedings pending against the petitioners in C.C. No.458 of 2008.

7. At this stage, learned counsel requests the Court to dispense with the presence of the petitioners.

8. In view of the above, this Court considers that the presence of the petitioners before the trial Court may not be insisted upon unless it is required for

the proceedings of the case. Hence, in view of the above, the presence of the petitioners shall be dispensed with. But, however, the trial Court can direct the petitioners to be present on those dates of the proceedings in which their presence is required.

9. In the light of the above, the Criminal Petition is dismissed.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 27.11.2018.
Dsh



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Date. 27.11.2018

DSH