

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11898 of 2018

ORDER:

The petitioner is the sole accused in C.C.No.639 of 2012 on the file of the learned I Additional Chief Metropolitan Magistrate, Visakhapatnam, outcome of the report of respondent No.2-*de facto* complainant no other than the wife of accused in Crime No.9 of 2012 dated 06.01.2012 registered by Pendurthy Police Station of Visakhapatnam Commissionerate and the police after investigation filed the final report that was taken cognizance for the offence under Section 498A IPC.

2. Heard the learned counsel for petitioner, the learned Additional Public Prosecutor representing the respondent No.1-State and Sri Mangena Sree Rama Rao, counsel for respondent No.2. Perused the material on record.

3. It appears that the case is pending before the learned Magistrate and impugning said cognizance order and continuation of proceedings, the present petition is filed. One of the contentions in the quash petition of the sole accused against C.C.No.639 of 2012 taken cognizance for the offence under Section 498A IPC against him is that the Court at Visakhapatnam has no jurisdiction, which is not tenable from close perusal of the F.I.R. and the charge sheet material read with Section 178 and 179 Cr.P.C. Coming to the other contention, D.V.C. No.41 of 2011, filed by the wife against the

husband, his mother and sister respectively as the respondents 1 to 3, was dismissed on 05.01.2017 in saying it was also on similar facts. Similar facts are different to same facts, but for if at all any material to make use in the defence in the present C.C.No.639 of 2012 there is nothing to quash the C.C. proceedings there from.

4. Having regard to the above, there is nothing to interfere with the cognizance order pending trial, but for to face trial by left open all the defences. So far as the difficulty expressed to attend from Hyderabad, where the petitioner-accused is working, to Visakhapatnam for every adjournment to face trial before the learned Chief Metropolitan Magistrate, Visakhapatnam concerned, remedy is left open by virtue of this order to file application under Section 205 Cr.P.C. for the learned Magistrate after hearing to consider with necessary conditions including for personal appearance as and when required.

With the above observations, this Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

11.12.2018
MVA

Dr. B. SIVA SANKARA RAO, J