

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL PETITION No. 3372 of 2019

ORDER:

This petition is filed under Section 482 of the Criminal Procedure Code, by A.2 and A.3 seeking to quash the proceedings in C.C.No.138 of 2017 on the file of Special Judicial Magistrate of First Class for trial of (Prohibition & Excise) offences-cum-IV Additional Junior Civil Judge, Nizamabad, with respect to Crime No.471 of 2016, registered for the offences punishable under Section 498-A IPC r/w Section 34 IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act.

There is no dispute that the FIR was registered in 2014 and a charge sheet was filed on 27.07.2016. The petitioners/A.2 and A.3 are mother and brother of A.1 respectively.

Learned counsel for the petitioners submits that respondent No.2 obtained divorce and as a matter of fact, a case is pending against her for causing disappearance of A1. He further submits that the petitioners are being unnecessarily harassed on account of the pendency of the case before the Court below.

Learned Public Prosecutor submits that as the charge sheet has already been filed, the matter can as well be disposed of on merits. He further submits that this is not a case where there are no allegations against the petitioners and therefore, it is not a case of quashing the proceedings in C.C.No.138 of 2017.

In view of the above submissions, considering the fact that the petitioners are mother and brother of A1, the crime was registered in 2014 and the charge sheet came to be filed in 2016, it is not a case for quashing the proceedings in C.C.No.138 of 2017, under Section 482 Cr.P.C. However, it is for the petitioners to seek discharge, if there is no crime made out against them as per the charge sheet. Further, considering the fact that the petitioners are only A2 and A3, their presence is dispensed with till the time of the commencement of the trial. Once the trial commences, as and when their presence is required, they shall be present and cooperate with the conducting of the trial.

Accordingly, the criminal petition is disposed of.

Consequently, miscellaneous applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

Dt:28.06.2019

kdl

