

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.1123 of 2020

ORDER:

This Criminal Petition, under Sections 482 Cr.P.C., is filed seeking to quash the docket dated 27.01.2020 in CrI.M.P.No.834 of 2019 in D.V.C.No.95 of 2014 on the file of the learned III Metropolitan Magistrate, Hyderabad.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. Learned counsel for the petitioner submitted that on the date of passing of the impugned order, the petitioner was present in the Court till 4.45 pm with a Demand Draft for an amount of Rs.13 lakhs to give the same to respondent No.2 herein towards full and final settlement of the cases pending between them; that as he was feeling uneasy due to stomach pain he was forced to go to attend the calls of nature as he was suffering with hypertension when he was called before the Court below and in such circumstances, the Court below passed the impugned docket order. Hence, he prayed to set aside the impugned order issuing non-bailable warrant against the petitioner by the Court below.

4. Learned Additional Public Prosecutor opposed to allow this application.

5. Having regard to the facts and circumstances of the case and as the dispute between the parties is a matrimonial one, without

delving into the merits of the case, this Court is inclined to take a lenient view and allow this Criminal Petition.

6. Accordingly, the Criminal Petition is allowed and the docket order dated 27.01.2020 passed in CrI.M.P.No.834 of 2019 in D.V.C.No.95 of 2014 on the file of the learned III Metropolitan Magistrate, Hyderabad, is hereby set aside. The petitioner shall surrender before the Court below positively on 03.3.2020 and on such surrender, he shall be released on bail on his furnishing a personal bond to the tune of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties to the like amount each to the satisfaction of the said Court. The petitioner shall personally appear before the Court concerned on each and every date of hearing of the said D.V.C. till the completion of trial. If the petitioner fails to comply with any of the aforesaid conditions, the bail granted to the petitioner shall automatically stand cancelled.

7. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

18th February, 2020
dr

JUSTICE G.SRI DEVI