

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.3295 OF 2022

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the proceedings in C.C.No.3971 of 2020, pending on the file of XI Additional Metropolitan Magistrate, Prashanth Nagar, Kukatpally. The petitioners herein are accused Nos.2 to 4 in the said crime. The offences alleged against them are under Sections 498-A, 323 and 509 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondents. Perused the record.

3. As per the charge sheet, the marriage of A-1 with the 1st respondent was performed on 22.07.2012. Thereafter, matrimonial disputes arose between them. During the course of investigation, the Investigating Officer has recorded the statements of 1st respondent as L.W.1, her father as L.W.2, brothers as L.Ws.3 and 4, mother as L.W.5 and other two witnesses. *Prima facie*, there are certain allegations against

the petitioners herein. They are triable issues and petitioners have to face trial and prove their innocence. The 1st petitioner is mother, 2nd petitioner is father and the 3rd petitioner is brother of A-1.

4. In view of the above discussion, this Criminal Petition is disposed of dispensing with the presence of the petitioners herein in C.C.No.3971 of 2020, pending on the file of XI Additional Metropolitan Magistrate, Prashanth Nagar, Kukatpally. However, they shall appear before the said Court as and when their presence is required.

5. At this stage, Sri C.Sharan Reddy, learned counsel for the petitioners would submit that the Court below had issued non-bailable warrants against the 3rd petitioner/A-4. According to him, the 3rd petitioner/A-4 has not received any notice under Section 41-A Cr.P.C. and he is ready to cooperate with the Investigating Officer. Without considering the same, the Investigating Officer had laid charge sheet and shown the 3rd petitioner herein/A-4 as absconding.

6. In view of the said submission, liberty is granted to the 3rd petitioner/A-4 to file an application under Section 70(2)

of Cr.P.C seeking recall and cancellation of warrants issued against him. On filing of such application, the XI Additional Metropolitan Magistrate, Prashanth Nagar, Kukatpally, is directed to consider the said application and recall and cancel the non-bailable warrants issued against the 3rd petitioner herein/A-4 on imposition of certain conditions to its satisfaction, on the same day.

Miscellaneous Petitions, if any, pending, shall also stand closed.

K. LAKSHMAN, J

Date: 11.04.2022
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