

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10594 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.1 to 5 to quash the proceedings against them in C.C.No.785 of 2022 pending on the file of learned Judicial First Class Magistrate, Bhongir. The offences alleged against them are under Sections 498-A of Indian Penal Code (for short "IPC") and Sections 3, 4 of Dowry Prohibition Act.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the record.

3. A perusal of the record would reveal that, the 2nd respondent was married to Accused No.1 on 07.06.2002. Later, Accused No.1 and his family members harassed 2nd respondent physically and mentally for additional dowry and threatened 2nd respondent with dire consequences. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioners herein. They are

triable issues. The petitioners have to face trial and prove their innocence. The defence taken by the petitioners cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in C.C.No.785 of 2022 pending on the file of learned Judicial First Class Magistrate, Bhongir, against the petitioners herein.

4. The main grievance of the petitioners-Accused Nos.2 to 5 is that they are aged about 58, 67, 45, 57 years respectively, as such facing difficulties in attending Court on each and every date of hearing.

5. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioners herein – Accused Nos.2 to 5 is dispensed with in C.C.No.785 of 2022 pending on the file of Judicial First Class Magistrate, Bhongir, when represented by their counsel on record. The attendance of the petitioners-accused Nos.2 to 5 is dispensed with subject to filing an affidavit by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and also they shall not dispute their identity. However, the petitioners shall

appear before the learned Magistrate as and when their presence is required. In the event of the petitioners failure to appear when the Court directs, this order dispensing their attendance would stand cancelled.

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Date: 30.11.2022
Gms/Sus

K.SURENDER, J

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