

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11544 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.2 to 4 to quash the proceedings against them in C.C.No.2120 of 2021 pending on the file of V Additional Metropolitan Magistrate, Cyberabadat L.B.Nagar. The offences alleged against them are under Sections 498-A, 417, 406, 506 of IPC and Sections 3, 4 of D.P.Act.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. A perusal of the record would reveal that, 2nd respondent married to accused No.1 on 19.05.2019. Later, accused No.1 along with his family members started harassing 2nd respondent mentally and physically for additional dowry. 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.2120 of 2021 pending on the file of V Additional Metropolitan Magistrate, Cyberabad at L.B.Nagar, against the petitioners herein.

4. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioners herein – Accused Nos.2 to 4 is dispensed with in C.C.No.2120 of 2021 pending on the file of V Additional Metropolitan Magistrate, Cyberabad at L.B.Nagar, when represented by their counsel on record. The attendance of the petitioners-Accused Nos.2 to 4 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 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.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 22.12.2022
Gms

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11544 OF 2022

22.12.2022

gms