

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.27795 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking quashment of C.C.No.355 of 2015 on the file of the Additional Judicial Magistrate of First Class, Peddapuram, East Godavari District.

Heard Sri A.K. Kishore Reddy, learned counsel for the petitioners and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

Police filed charge sheet against the petitioners herein for the alleged offences under Sections 447, 427, 434 and 506 r/w.34 of IPC in Crime No.13 of 2015 of Rangampeta Police Station on the file of Additional Judicial Magistrate of First Class, Peddapuram. The charge sheet is under challenge in the present writ petition.

It is submitted by the learned counsel for the petitioners that the prosecution launched against the petitioners is a patent abuse of process of law and the ingredients of sections mentioned in the charge sheet are conspicuously absent, as such, the charge sheet is liable to be quashed.

On the contrary, it is submitted by the learned Government Pleader that there are *prima facie* allegations against the petitioners herein and the same cannot be enquired into under Article 226 of the Constitution of India.

It is settled and well-established proposition of law that the jurisdiction this Court under Article 226 of Constitution of India for quashment of F.I.Rs., is required to be exercised very sparingly and unless there is element of abuse of process of law the extraordinary jurisdiction under Article 226 of the Constitution of India is not available.

In the instant case, since the charge sheet discloses the allegations against the petitioners herein, this Court is not inclined to entertain the request of the petitioners herein for quashment of the said charge sheet.

For the aforesaid reasons, the writ petition is dismissed. However, it is open for the petitioners herein to approach the Court below for redressal of their grievance by way of discharge under the provisions of Cr.P.C.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

August 31, 2015

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