

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

WRIT PETITION No.31428 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Certiorari or any other appropriate writ and quash the C.C.No.529 of 2014 dated 25.09.2014 on the file of the IV Metropolitan Magistrate, Cyberabad at Ibrahimpatnam, Ranga Reddy District.”

Heard M/s.Bharadwaj Associates, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

It is submitted by the learned Senior Counsel that the present prosecution launched against the petitioner herein is a patent abuse of process of law and the allegations made against the petitioner herein do not attract the provisions of Sections 409, 403 and 120(B) of I.P.C.

On the other hand, it is submitted by the learned Government Pleader for Home that there are no merits in the present writ petition and in view of existence of *prima facie* allegations against the petitioner herein no interference by this Court under Article 226 of Constitution of India is warranted and there is also an effective alternative remedy for the petitioner herein by way of discharge before the Court below.

It is settled and well established proposition of law that the jurisdiction of this Court under Article 226 of the Constitution of India is required to be exercised very sparingly while dealing with the matters pertaining to quashment of the prosecution.

In view of the existence of the *prima facie* allegations against the petitioner herein, this Court is not inclined to entertain the present writ petition.

In view of the above reasons, the writ petition is dismissed with liberty to the petitioner herein to approach the Court below for discharge as per the provisions of Cr.P.C.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SETHA SAI, J

September 29, 2015

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