

**HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CRL.P.No.5670 of 2015**

**ORDER:**

The petitioner, who is A-1, seeks to quash the proceedings initiated against him in C.C.No.474 of 2014 on the file of the Additional Judicial Magistrate of First Class, Narsipatnam, Visakhapatnam District, registered for the offences punishable under Sections 452, 352, 354, 323 read with Section 34 I.P.C.

On a complaint given by the 2<sup>nd</sup> respondent herein, a case in Crime No.66 of 2013 was registered against the petitioner along with others by the Sub Inspector of Police, Narsipatnam Town Police Station. Eventually, after completion of investigation, a charge sheet was laid under the aforesaid offences against the petitioner and 8 others in the Court of the Additional Judicial Magistrate of First Class, Narsipatnam, Visakhapatnam District.

Heard the learned Counsel appearing for the petitioner and the learned Public Prosecutor, representing the State.

A perusal of the allegations in the charge sheet would clearly reveal a *prima facie* case against the petitioner and others for the aforesaid offences. The contention of the petitioner is that there is no iota of truth in the allegations mentioned in the complaint and the same are invented for the purpose of implicating the petitioner in the case. The truth or otherwise of the allegations cannot be gone into in this petition and it can only be decided during the course of

trial. Therefore, I see no reason to interfere with the matter at this stage by quashing the proceedings against the petitioner. Instead it is better to allow the trial in the case to be expedited.

Having heard the learned Counsel for the petitioner and having gone through the contents of the petition, the Criminal Petition is disposed of with a direction to the trial Court to proceed with the trial of the case expeditiously. However, the trial Court shall not insist the presence of the petitioner-A1 for every date of hearing unless it feels that his presence is necessary for any specific purpose.

Miscellaneous petitions, if any, pending shall stand closed.

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**M.S.K.JAISWAL, J**

30-06-2015

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