

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10646 of 2015

ORDER:

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This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/accused No.2 in C.C.No.635 of 2013 on the file of the Court of I Additional Metropolitan Magistrate, Visakhapatnam.

At the time of arguments, learned counsel for the petitioner has sought permission of this Court to permit the petitioner to withdraw the criminal petition with liberty to avail all the remedies available to him under law including filing of a petition for discharge. Learned counsel further submitted that the petitioner is facing much difficulty to attend the trial Court on each and every date of adjournment and hence, his presence before the trial Court may be dispensed with on each and every date of adjournment.

Permission is granted.

Hence, the Criminal Petition is dismissed as withdrawn with liberty to the petitioner to avail all the remedies available to him under law including filing of a petition for discharge, if charges are already not framed. There is no dispute with regard to the identity of the petitioners/Accused No.2. Even if the presence of the petitioner/A2 is dispensed with, no prejudice would be caused to the second respondent. Hence, the presence of the petitioner/A2, who is father of accused No.1, is dispensed with before the Court of I Additional Metropolitan Magistrate, at Visakhapatnam, on each and every date of adjournment. However, he shall appear before the trial Court as and when his presence is so required.

Consequently, Miscellaneous Petitions, if any, pending in
this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date:17.12.2015

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