

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.6375 of 2015

Between:

Sangaru Srinivasa Rao

... Petitioner

and

The State of Andhra Pradesh rep. by its Public Prosecutor
and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 04-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.6375 of 2015

ORDER :

Heard the learned counsel for the petitioner/accused and also the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent on this application filed under Section 482 Cr.P.C to quash the proceedings in C.C. No.107 of 2015 on the file of Judicial Magistrate of the First Class, Palasa, Srikakulam District, the learned Magistrate taken cognizance for the offence punishable under Section 420 I.P.C. against the accused which is the outcome of Crime No.20 of 2015 on the report of the 2nd respondent/defacto-complainant with allegation that accused lured her and they are the lovers and later accused failed to fulfil his promise for extraneous reasons by cheated her. It is the submission by the learned Public Prosecutor contra to the submission for the petitioner/accused of no ingredients of Section 420 I.P.C made out, that prima facie there is an accusation from the charge sheet that was taken cognizance by the learned Magistrate and there is no material to quash the proceedings stated supra.

2) Having regard to the above, the application is disposed of as the material falls short for this Court to admit, with a liberty to the petitioners to approach the trial Court by filing an application under Section 239 Cr.P.C if no grounds

to frame charge under Section 240 Cr.P.C for the trial Court to decide on own merits as laid down by the Apex Court in ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say as accused claims that he is losing his job prospects and opportunities and he has to go back to foreign country and is ready to face the trial to be expedited, he shall appear before the learned Magistrate with application to recall the pending N.B.W against him and the learned Magistrate shall recall on his application and presence on the same day after hearing and obtain bond under Section 88 Cr.P.C for his future due appearance and after hearing on charges and completing the process, if any, charges framed under Section 240 Cr.P.C to expedite the trial within three months from framing of charges as per the letter and spirit of Section 309 Cr.P.C by virtue of this direction.

3) With the above observations, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.4th August, 2015

KSH

^[1] (2005)1 SCC 568