

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3756 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/accused Nos.2 to 7 to quash the proceedings in Cr.No.308 of 2015 on the file of Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Sections 427 and 448 IPC.

2 . Heard the learned counsel for petitioners-A.2 to A.7 as well as the second respondent- State representing through the Public Prosecutor before ordering any notice to the first respondent/ *de facto* complainant before admission and perused the material on record.

3. It is submitted by the learned counsel for the petitioners that pending the petition to quash the proceedings in Cr.No.308 of 2015 filed by the petitioners against the *de facto* complainant and the State as respondents 1 and 2, the police taking advantage of no stay order against the investigation, completed the investigation and filed charge sheet and issued warrant instead of even issuing summons and the warrant is to be quashed.

4. Undisputedly, there is no any material filed before this Court to say that warrant issued is unsustainable or warrant issued without summons and without reasons to interfere. From the very say the quash proceedings are infructuous as police already filed charge sheet and that was taken cognizance by the Court. Thus the remedy is otherwise to impugne the cognizance taken on the charge sheet, in the course of hearing under Section 251 Cr.P.C. since it is a summons trial. Subject to that and subject to the right of recall of the warrant by filing application under Section 70(2) Cr.P.C., by directing the Magistrate in the event of filing of application to recall warrant, same to be recalled subject to their execution of bond under Sections 88/89 Cr.P.C., the proceedings are disposed of.

4. Consequently, miscellaneous petitions, if any, pending in this petition, shall stand disposed of.

Dr. B.SIVA SANKARA RAO J,

Date:2nd June, 2015

PNV