

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44226 OF 2016

ORDER:

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

“to pass an order or orders one in the nature of WRIT OF MANDAMUS for set aside the charge sheet in CC No.1795 of 2016 on the file of the Hon’ble XI Addl. Chief Metropolitan Magistrate at Secunderabad in view of the fact that the matter pertains to civil nature and the civil case is pending in the Civil Court in OS No. 68/2016 on the file of the Hon’ble XXVII Addl. Chief Judge, Secunderabad Court in which the status quo order has been passed declare the same as illegal, arbitrary, unjust, against the principles of natural justice.”

2. Heard and perused the material available on record.
3. The offences alleged against the petitioner are punishable under Sections 447 and 427 read with 34 I.P.C.
4. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the proceedings of the said case. However, the presence of the petitioner/A-1 before the trial Court is dispensed with except on the dates on which the learned Magistrate insists for his appearance. The petitioner/A-1 shall be properly represented through his counsel before the trial Court.
5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

20.12.2016
AMD



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Date: 20.12.2016

AMD