

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT APPEAL No.1216 OF 2016

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P. No.34764 of 2016 dated 24.10.2016.

The aforesaid Writ Petition was filed by the appellants herein to quash the charge sheet in C.C. No.509 of 2016 on the file of the Judicial First Class Magistrate, Tadipatri, Anantapur filed against the petitioners herein. The Learned Single Judge dismissed the Writ Petition holding that he was not inclined to interfere with the pending proceedings in C.C. No.509 of 2016, and it was open to the petitioners to file an application seeking discharge.

Sri K. Rajanna, Learned Counsel for the appellants, would submit that, as the petitioners seek quashing of the charge sheet, the liberty granted by the Learned Single Judge would not suffice; and a Writ Petition, under Article 226 of the Constitution of India, is maintainable in seeking to have the charge sheet quashed.

While a Writ Petition, under Article 226 of the Constitution of India, may well be maintainable where a charge sheet is sought to be quashed, the jurisdiction exercised by the High Court is discretionary, and one of the grounds, on which the High Court would refrain from exercising its discretionary jurisdiction under Article 226 of the Constitution of India, is where an alternative statutory remedy is available to the petitioners. As the petitioners have the remedy of

invoking the jurisdiction of this Court under Section 482 Cr.P.C, we see no reason to exercise discretion, under Article 226 of the Constitution of India, to entertain such a Writ Petition. Leaving it open to the petitioner either to file a petition for discharge as directed by the Learned Single Judge, or to invoke the jurisdiction of this Court under Section 482 Cr.P.C, the Writ Appeal is dismissed. The miscellaneous petitions pending, if any, shall be closed. No costs.

RAMESH RANGANATHAN, ACJ

A. SHANKAR NARAYANA, J

Date: 10.11.2016

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