THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1699 of 2010

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioners/A1 and A2 in C.C. No.324 of 2009 on the file of the court of IV Additional Chief Metropolitan Magistrate, Visakhapatnam.

2. The learned counsel for the petitioners seeks permission of this court to permit the petitioners to withdraw the criminal petition with liberty to avail all the remedies available to them under law including filing of petition for discharge, if charges are not already framed. He further submitted that the petitioner No.2 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. There is no dispute with regard to identity of petitioner No.2. Even if the presence of the petitioner No.2 before the trial court is dispensed with, no prejudice will be caused to the respondent. Hence, the presence of petitioner No.2/A2 in C.C. No.324 of 2009 before the trial court on each and every date of adjournment is dispensed with. However, he shall appear before the trial court as and when his presence is so required.

3. With the above direction, the criminal petition is dismissed as withdrawn granting liberty as prayed for. Miscellaneous petitions, if any pending in this criminal petition shall stand closed.

T.SUNIL CHOWDARY, J.

March 15, 2016.

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