

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3313 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-1 in P.R.C.No.46 of 2015 on the file of VII Additional Judicial First Class Magistrate, Warangal District arising out of Crime No.60 of 2015 of Wardhannapet Police Station, Warangal District registered for the offences punishable under Sections 307, 452 and 120 B IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

The main grievance of the petitioner is that there was inordinate delay in lodging complaint and that the de facto complainant and the petitioner/A-1 are closely related to each other, as the wife of the petitioner/A-1 and the wife of the de facto complainant are natural sisters.

A perusal of the material on record would reveal that mere close relationship between the petitioner/A-1 and the de facto complainant cannot be a ground for quashing the proceedings. The charge sheet clearly discloses that there are specific allegations alleged against the petitioner/A-1 constituting the offences, much less the alleged offences, the truth or otherwise of which can be determined only after due trial and the same cannot be decided at the initial stage. Admittedly, the police after completion of investigation filed the charge sheet and the same was numbered as P.R.C.No.46 of 2015, which is pending for commitment to the Court of Session and at that stage, the present criminal petition

has been filed for quashing the said proceedings.

Having regard to the facts and circumstances of the case and in view of the nature of the offences alleged against the petitioner are serious in nature, this Court is not inclined to quash the proceedings. The grounds raised by the learned counsel for the petitioner for quashing the proceedings cannot be adjudicated by this Court in exercise of jurisdiction under Section 482 Cr.P.C. and the same can be properly adjudicated before the trial Court during trial, which can consider and determine the same, and hence, the Criminal Petition is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 15-03-2016

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