

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No. 15546 of 2013

ORDER:

This Criminal Petition is preferred by petitioner/A2 under Section 482 Cr.P.C seeking to quash the orders dated 13.6.2013 in Criminal Revision Petition No. 11 of 2012 passed by III Additional Metropolitan Sessions Judge at Hyderabad confirming the orders passed in CrI.M.P.No. 798 of 2011 in CC No. 1550 of 2006 on the file of III Additional Chief Metropolitan Magistrate at Hyderabad.

2. The second respondent filed a private complaint against A1 and the petitioner/A2 for the offences under Sections 120-b, 406, 420, 499 and Sections 477-A of IPC R/w Section 120-B & 109 IPC. Initially, the trial Court basing on the material has taken cognizance against A1 alone. Thereupon, the complainant filed CrI.M.P.No. 798 of 2011 under Section 319 Cr.P.C to take cognizance against petitioner/A2 also along with A1. In the said petition, the complainant submitted that the High Court refused to allow the quash petitions in CrI.P.Nos. 4727 and 4774 of 2006 filed by A1 & A2 observing that there were primary allegations against A1 & A2 to show that they cheated the complainant and basing on the said observation, he filed M.P.No. 798 of 2011 requesting the trial Court to take cognizance against A2 also to prosecute him along with A1. Both A1 and A2 filed counter and opposed the said petition. After enquiry, the trial Court allowed M.P.No. 798 of 2011 and ordered to add A2 to be tried along with A1.

3. Aggrieved by the said order, A1 & A2 filed Criminal Revision Petition No. 11 of 2012 before the learned III Additional Metropolitan Sessions Judge, Hyderabad and the said Court in its order dated 13.6.2013 dismissed the Criminal Revision Petition.

Hence, the instant petition by the petitioner/A2 challenging the order in Criminal Revision Petition No. 11 of 2012.

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

5. On perusal of the entire material, I find no merit to allow the Criminal Petition. The learned counsel for the petitioner sought to submit that the petitioner is a businessman and he never committed any offence and he was falsely implicated. If the petitioner is so advised, he is at liberty to move the trial Court by an appropriate application to discharge him and if he does so, the trial Court shall dispose of the said application on merits expeditiously.

6. With the above observation, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous applications, pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 18.03.2016

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