

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.32689 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to quash the proceedings in C.C.No.232 of 2009 on the file of Additional Judicial First Class Magistrate-cum-XIII Metropolitan Magistrate at L.B.Nagar, R.R.District.

Heard and perused the material available on record.

The main grievance of the petitioner is that the 2nd respondent registered the case in Crime No.226 of 2004 in violation of provisions under Section 41-A of the Cr.P.C.

While exercising the powers under Article 226 of Constitution of India, this Court is not inclined to interfere with the impugned proceedings. However, since it is the apprehension of the petitioner that he may be arrested in execution of N.B.Ws. pending against him, he is directed to appear before the Court concerned where the C.C. is pending and file an application to recall the warrants and the Court shall consider the same and recall the warrants on condition of petitioner executing a personal bond for a sum of Rs.10,000/- with one surety with an undertaking to appear on further dates before the Court regularly.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

27.10.2016.
Tsr

