

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3658 OF 2015

ORDER:

The present criminal petition case is filed by the petitioners/A.2 and A.3 challenging the action of the respondent in presenting the charge sheet in P.R.C.No.80 of 2014 before the Hon'ble Additional Judicial First Class Magistrate at Sangareddy, Medak District, under Sections 302 and 498-A IPC against the petitioners herein without therebeing any accusation against the petitioners herein under Section 302 IPC and prosecuting the petitioners is nothing but illegal and arbitrary and amounts to clear abuse of process of law.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the charge sheet does not disclose the offence under Section 302 IPC insofar as petitioners are concerned and also the charge sheet is also not filed invoking the provision either under Section 34 IPC or Section 120-B IPC. He further submits that the allegations are made only against A.1 and the petitioners' names are included as they are the in-laws of A.1 in this case.

This Court is of the view that that the learned counsel for the petitioners rightly contended that there is no inclusion in the charge sheet either Section 34 IPC or Section 120-B IPC. This Court is also of the view that the allegations are not so serious in nature insofar as the petitioners herein are concerned. In any event, the petitioners are directed to file an application seeking discharge before the Sessions Court, after committal of the case and on such application being filed, the Court concerned is directed to consider the same and pass appropriate orders in accordance with law. It is made clear that if the petitioners are aggrieved over any of the order passed by the Court concerned, they are at liberty to approach this Court challenging the said order.

With the above observations, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions filed in this criminal petition, if any, shall stand closed.

07.04.2016
pln

JUSTICE RAJA ELANGO