HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION Nos.13748, 13685 and 13746 of 2016

ORDER:

These criminal petitions are filed under Section 482 Cr.P.C. seeking to quash the proceedings in DVC No.6 of 2016 pending adjudication on the file of learned First Additional Judicial First Class Magistrate, Mancherial, Adilabad District.

Heard learned counsel appearing for the petitioners (Respondents 2 to 5 in DVC), and learned Additional Public Prosecutor, representing the State.

Having heard the learned Counsel on either side and gone through the material available on record, it is obvious that specific allegations were made against the petitioners herein (Respondents 2 to 5 in DVC) in the affidavit filed in support of the aforesaid DVC. The truth or otherwise of the allegations can only be decided during course of trial. This Court is not supposed to make a roving enquiry into the allegations made in the aforesaid DVC. I see no ground to quash proceedings in the aforesaid DVC at this stage.

However, considering the facts and circumstances of the case and as requested by the learned counsel for the petitioners, the Criminal Petition is disposed of, directing the Court below to proceed with the trial and dispose of the aforesaid DVC as expeditiously as possible, however, without insisting for the presence of the petitioners herein (Respondents 2 to 5 in DVC) for each and every adjournment, unless it feels that their physical

presence is necessary for any specific purpose. The Counsel on record shall represent the petitioners herein (Respondents 2 to 5 in DVC) before the Court below on each and every date of hearing the case.

It is made clear that the non-petitioner/first respondent in DVC shall ensure his physical presence before the Court below on each and every date of hearing the case.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 27th September, 2016.
Msnrx