

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1687 OF 2014

ORDER:

This petition is filed by the petitioners-accused Nos.1 to 3 under Section 482 Cr.P.C. seeking to quash the proceedings against them in CC No.301 of 2012 on the file of Judicial Magistrate of First Class, Thorrur, Warangal District.

Heard and perused the material available on record.

The petitioners are alleged to have committed the offences punishable under Sections 409, 417, 420 and 506 r/w.34 IPC. It is alleged that the 1st petitioner being the GPA holder of the de facto complainant, colluded with the 2nd petitioner and tried to grab the property belong to the de facto complainant, created and executed a sale deed in favour of the 2nd petitioner, who is his wife. The 3rd petitioner is the son of the 1st petitioner. The truth or otherwise of the above said allegations can be ascertained during enquiry. Therefore, this Court is not inclined to interfere with the proceedings against the petitioners.

The learned Counsel for the petitioners submitted that the 3rd petitioner is the son the petitioners 1 and 2 and that there are no allegations against him in the complaint and that the present case is also lodged on the basis of the reference made by the learned Magistrate, without following the procedure and therefore, the proceedings against the 3rd petitioner may be quashed and prayed for dispensing with the presence of the petitioners 1 and 2 before the trial Court.

In view of the above submission, the proceedings against the 3rd petitioner in CC No.301 of 2012 on the file of the Judicial

Magistrate of First Class, Thorrur, are quashed and in so far as the petitioners 1 and 2 are concerned, their presence is dispensed with before the trial Court, except on the dates of framing of charges, if any, examination under Section 313 Cr.P.C., and also on the date of pronouncement of judgment. The petitioners are directed to be represented through a Counsel before the trial Court on all hearing dates. Further, the trial Court is directed to dispose of the case as expeditiously as possible.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

April 01, 2016.

KTL