

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1273 of 2014

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioners-Accused Nos.1 to 9 seeking to quash the proceedings in CC No. 188 of 2012 on the file of Additional Judicial Magistrate of First Class, Giddalur.

Heard and perused the material available on record.

The criminal petition against petitioners 1 and 2 was dismissed as withdrawn and the presence of the petitioners 3 to 9 was dispensed with before the Court below, vide order, dated 12.02.2014 passed by this Court. While passing the above order, the trial Court is allowed to proceed with the trial of the case. It is stated that the Court below is proceeding with the trial of case and five witnesses have already been examined.

Learned counsel for the petitioners submitted that even though the allegations made against the petitioners are taken at their face value, they do not constitute the offences alleged against them and therefore, continuation of proceedings against the petitioners is an abuse of process of law and that the petitioners 7 to 9 are the neighbours of A1 and therefore, offence under Section 498-A IPC cannot be proceeded against them.

A perusal of the record makes it clear that though the charge sheet discloses that petitioners 1 to 6 are charged with the offences punishable under Sections 498-A IPC and 3 & 4 of the DP Act, and the petitioners 1 to 3 and petitioners 7 to 9 are charged for the offences punishable under Section 323 IPC, the case was taken on file for the offences punishable under Sections 498-A and 323 IPC and 3 & 4 of DP Act against all the accused. Whether all the accused have

committed the alleged offences or not, can be decided by the trial Court during the course of trial. In these circumstances, this Court is not inclined to quash the proceedings against the petitioners 3 to 9 at this stage. The petitioners can raise all the points that are raised now, before the trial Court.

Hence, the Criminal Petition is disposed of with the following directions:

The Additional Judicial Magistrate of First Class, Giddalur, is directed to dispose of CC No.188 of 2012 in accordance with law as expeditiously as possible. The order, dated 12.02.2014, passed by this Court dispensing with the presence of the petitioners before the trial Court, shall continue till the disposal of CC No.188 of 2012.

Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 18, 2016.
KTL