

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.4729 of 2016

ORDER:

This Criminal Petition is filed by the petitioners-accused Nos.1 & 2 seeking to quash the proceedings against them in CC No.44 of 2016 on the file of the Additional Judicial Magistrate of First Class, Nizamabad.

Heard and perused the material available on record.

The petitioners are alleged to have committed the offences punishable under Sections 341, 290, 323, 354 and 506 r/w.34 IPC. After duly enquiring into the complaint filed by the de facto complainant, the police filed charge sheet.

The main contentions raised by the learned counsel for the petitioner are that the 2nd respondent is not the owner of the property and the property in question is a joint property and as far as the offences under Section 323 IPC is concerned, there is no medical evidence to prove that the petitioners caused injuries and as far as the offence under Section 353 IPC is concerned, there is nothing to suggest that with an intent to outrage the modesty, they assaulted the de facto complainant.

After hearing the arguments of the learned counsel for the petitioners, this Court is of the view that the above contentions raised by the learned counsel for the petitioners can be raised by the petitioners before the trial Court by way of filing a discharge application, along with all material and the trial Court shall consider the same in accordance with law.

Accordingly, the Criminal Petition is disposed of directing the petitioners to file a discharge application before the trial Court by

raising all the contentions that were raised before this Court along with the relevant material, and on such application being filed, the trial Court shall consider the same in accordance with law and pass orders. If the petitioners aggrieved over the orders, if any, passed by the trial Court, they are at liberty to approach this court. Till the disposal of the discharge application, the presence of the petitioners before the trial Court is dispensed with. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

April 06, 2016.
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