

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37217 of 2016

ORDER:

1. This Writ Petition is filed by the petitioners under Article 226 of the Constitution of India, seeking to recall Non-bailable warrants issued against them in C.C.No.401 of 2015 on the file of the VI Special Magistrate, Kukatpally, Miyapur, Ranga Reddy District.
2. Heard and perused the material available on record.
3. It is stated in the affidavit that on the complaint lodged by the 4th respondent, Crime No.533 of 2015 was registered against the petitioners and others and investigated into. After completion of the investigation, the police filed the charge sheet before the Court of VI Special Magistrate, Kukatpally, Miyapur, R.R. District, and the learned Magistrate numbered it as C.C.No.401 of 2015. While taking cognizance of the offence under Sections 188, 427 and 447 of IPC, the learned Magistrate issued non-bailable warrants against the petitioners and other accused. It is stated that the petitioners and the 4th respondent filed a compromise petition in the above C.C. as the 4th respondent agreed to withdraw the complaint. But the learned Magistrate is not entertaining the complaint on the ground that the persons against whom NBWs are pending must appear before the Court. The application filed by the petitioners for recalling the NBWs issued against them, was dismissed by the learned Magistrate.
4. Considering the facts and circumstances of the case and the grievance of the petitioners, this Court is inclined to pass the following order:

“Non-bailable Warrants issued against the petitioners in
C.C.No.401 of 2015 on the file of the VI Special Magistrate,

Kukatpally, Miyapur, Ranga Reddy District, are hereby recalled.

However, the petitioners are directed to appear before the Court below on all hearing dates. Further, the petitioners are directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety each for the like sum each to the satisfaction of the above Magistrate, as surety for their future appearance before the learned Magistrate.”

5. Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

Dated: 1.11.2016

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