

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37976 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in C.C.No.73 of 2013 on the file of the Judicial Magistrate of First Class at Nandalur, Y.S.R.Kadapa District in view of the judgment, dated 21.8.2015, in C.C.No.14 of 2011 on the file of the Judicial Magistrate of First Class at Nandalur, Y.S.R. Kadapa District.

2. Heard and perused the material available on record.

3. The offences alleged against the petitioner are punishable under Sections 147, 148, 353, 332 and 427 read with 149 I.P.C. and Section 7(1) of the Criminal Law Amendment Act. The case against the petitioner/A-13 was split up from the main case i.e., C.C.No.14 of 2011 on the file of the Judicial Magistrate of First Class at Nandalur, Y.S.R.Kadapa District and numbered as C.C.No.73 of 2013. As the accused in C.C.No.14 of 2011 were acquitted, the petitioner herein filed the present writ petition praying to quash the proceedings against him in C.C.No.73 of 2013.

4. Considering the facts and circumstances of the case, this Court is of the view that the petitioner has to approach the Court below for quashing the proceedings against him in C.C.No.73 of 2013. Hence, this Writ Petition is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to file a discharge application before the

Court below and on such application being filed, the Court below shall consider the same in accordance with law. Till the disposal of such discharge application, the presence of the petitioner before the Court below is dispensed with. If the petitioner is aggrieved with the order passed by the Court below, he is at liberty to approach this Court. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

4.11.2016
AMD



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AMD