

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3103 of 2016

ORDER:

This Criminal Petition is filed by the petitioner-accused No.7 seeking to quash the proceedings against him in CC No.189 of 2014 on the file of the X Additional Chief Metropolitan Magistrate, Secunderabad.

The petitioner, along with the other accused, is alleged to have committed the offences punishable under Sections 419, 420, 465, 468, 471 and 506 r/w.120-B IPC. It is alleged that the petitioner knowing fully well that A1 is not the real owner, purchased the property belong to the father of the de facto complainant in collusion with A1.

Learned Counsel for the petitioner submitted that initially the name of the petitioner was not found in the FIR, but subsequently, she was shown as A7 in the charge sheet alleging that the petitioner purchased a shop from A1 knowing fully that A1 is the owner, and that the petitioner is a bonafide purchaser and she is not aware of the fraud committed by A1 and others.

The petitioner can raise all the above grounds before the trial Court by way of filing a discharge application. Considering the facts and circumstances of the case and the allegations made against the petitioner, this Court is not inclined to interfere with the proceedings against the petitioner the above CC.

At this stage, learned counsel for the petitioner prayed to dispense with the presence of the petitioner before the trial Court and also permit her to file a discharge application before the trial Court.

In view of the above submissions, this Court is inclined to pass the following order:

The petitioner is directed to file a discharge application before the trial Court and on such application being filed, the trial Court is directed to consider the same in accordance with law. The presence of the petitioner before the trial Court is dispensed with except on the dates on which the trial Judge insists for her presence. The petitioner is directed to be represented through a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 10, 2016.
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