

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6555 OF 2016

ORDER:

-

This petition is filed by the petitioner-accused No.2 under Section 482 Cr.P.C. seeking to quash the proceedings against him in P.R.C.No.42 of 2015, on the file of III Additional Judicial Magistrate of First Class, Ongole, Prakasam District.

The case of the petitioner is that the 2nd respondent joined BDS Course in Sri Sai Dental College, Srikakulam, and prosecuting her studies by staying in hostel. One Kothapalli Vivek, who is her classmate used to indulge in ragging activities. He used to follow her on the pretext of love and started blackmailing taking advantage of the photos available with him by morphing those photos and she reported the matter to the college authorities, but no action is taken. Later, she informed the same to her parents and her parents brought her back to Ongole and kept her in the house of her uncle Ramesh. The 2nd respondent further stated that Kothapalli Vivek is threatening her on phone by demanding her to come back to college and the father of Vivek threatened her that he will see her end if any case is registered against his son. On 19.08.2013 at about 7.30 P.M., Vivek along with his four friends went to the house area of the 2nd respondent and when she was going to shop, Vivek caught hold of her and pushed her and tried to pour acid on her. Basing on these allegations, the present complaint is lodged.

Heard and perused the material available on

record.

The petitioner approached the Court aggrieved over the order passed by the learned trial Judge, whereby the trial Judge directed the respondent Police to file charge sheet against the petitioner herein. The respondent police, on the basis of Crime No.349 of 2013, completed the investigation and filed charge sheet deleting the petitioner. On such filing of charge sheet, the *de facto* complainant appeared before the Court and objected the same. Learned Magistrate, without following the procedure, directed the respondent police to file charge sheet against the petitioner herein.

The Court is of the view that such a course of action by the learned Magistrate is unknown to criminal law. The said order is liable to be set aside.

Accordingly, the Criminal Petition is allowed and the order, dated 25.11.2015, passed by the III Additional Judicial Magistrate of First Class, Ongole, Prakasam District, is set aside. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 27th April, 2016.

KL

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-

-

-

-

-

-

CRIMINAL PETITION No.6555 OF 2016

Date: 27th April, 2016.

KL