

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**Criminal Petition No.6218 of 2015**

**ORDER:**

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused-6 in C.C.No.1204 of 2006 (old C.C.No.102 of 2001) pending on the file of I Additional Judicial Magistrate of First Class, Warangal, arising out of Crime No.66 of 1996 of Madikonda Police Station, Hanamkonda, Warangal District, registered for the offences punishable under Sections 409, 420, 120-B, 465, 468 and 471 IPC.

Heard and perused the material.

Admittedly, after completion of investigation, the police have filed charge sheet and the same was numbered as C.C.No.102 of 2001, which was again renumbered as C.C.No.1204 of 2006. As seen from the material on record, it is evident that the learned Magistrate has commenced the trial in the said case and PW.1 was examined. At that stage, the petitioner/A-6 filed the criminal petition for quashing the proceedings in the said case initiated against him.

Having regard to the facts and circumstances of the case and in view of the fact that the trial has already been commenced in the said case, this Court is of the view that whether the petitioner/A-6 has committed the alleged offences or not is a matter to be decided by the trial Court during trial and the same cannot be decided herein. Therefore, it is not a fit case to quash the proceedings at this stage. However, the grounds raised herein can be raised before the trial Court, which can determine the same

at the appropriate stage. It is made clear that if any warrant issued against the petitioner/A-6 is pending for execution, the same is hereby recalled and the petitioner/A-6 is directed to appear before the trial Court for facing the trial. It is further made clear that if the petitioner/A-6 intends to dispense with his presence, it is left open to him to make appropriate application under Section 205 Cr.P.C. seeking to dispense with his presence and on filing of such application, the trial Court shall consider the same and pass orders in accordance with law.

-

Subject to above observations, the Criminal Petition is disposed of. Consequently, the Miscellaneous Petitions pending in this petition, if any, shall stand closed.

**RAJA ELANGO, J**

Date: 31-03-2016

-

Ksn