

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34764 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue an order or direction or writ more appropriately a Writ of Certiorari to call for records in the impugned charge sheet filed in C.C.No.509 of 2016, dated 06.09.2016 on the file of the Learned Judicial First Class Magistrate, Tadipatri, Anantapuram District against the petitioners herein and quash the same as illegal.”

2. Learned counsel for the petitioners submits that due to political pressure, the respondent-police registered a crime against the petitioners and after completion of investigation police filed charge sheet against the petitioners herein, which was numbered as C.C.No.509 of 2016 on the file of Judicial Magistrate of First Class, Tadipatri, Anantapur District.

3. It is true that a charge sheet can be challenged before this Court invoking the writ jurisdiction, but, at the same time, the same is maintainable in extra-ordinary circumstances. But, in the present case, after perusal of the record and hearing the parties, this Court is of the view that the petitioners can seek their remedy by way of filing an application before the Court concerned seeking for discharge. Therefore, this Court is not inclined to interfere with the pendency of proceedings in C.C.No.509 of 2016 on the file of Judicial Magistrate of First Class, Tadipatri, Anantapura District. Hence, the Writ Petition is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed giving liberty to the petitioners to file an application before the Court concerned seeking discharge. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

OCTOBER 24, 2016

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Date: 24.10.2016

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