

**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CRIMINAL PETITION No.7418 of 2016**

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**ORDER:**

This petition under Section 482 Cr.P.C., is filed by the petitioners/A.1, A.3 and A.4 seeking to quash the proceedings in C.C.No.357 of 2015 on the file of II Additional Junior Civil Judge, Gurazala, registered for the offences punishable under Sections 420, 406 and 409 IPC.

2. Heard learned counsel for the petitioners/A.1, A.3 and A.4 and learned Additional Public Prosecutor representing the State.

3. It appears from the complaint that the 2<sup>nd</sup> respondent/ *de facto* complainant made a specific complaint against the petitioners under Sections 420, 406 and 409 IPC. It further appears that on the basis of the said complaint, police registered a case, which culminated into filing of a charge sheet. The truth or otherwise of the allegations can only be decided during the course of trial. This Court is not supposed to make a roving enquiry into the allegations made in the charge sheet. I absolutely see no valid ground to quash the charge sheet.

4. From a perusal of the record it cannot be said that there is no material to proceed against the petitioners/A. 1, A.3 and A.4.

5. In that view of the matter, the Criminal Petition is disposed of directing the learned Judge to proceed with the trial in C.C.No.357 of 2015 on the file of II Additional Junior Civil Judge, Gurazala, without insisting for the presence of petitioner Nos.1 and 3/A.1 and A.3 on each and every adjournment, unless it feels that their presence is necessary for any specific purpose. However, petitioner No.4/A.4 shall appear before the trial Court during trial. It is also open to the

petitioners to file discharge petition before and trial Court and as when such application is filed, the trial Court shall dispose of the same on merits uninfluenced by any observations made in this order. Furthermore, the learned Judge is also directed to dispose of C.C. No.357 of 2015 within a period of six (06) months from today.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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**M.S.K.JAISWAL, J**

Date: 11.07.2016

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