

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.12768 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners/respondent Nos.1 to 4 seeking to quash the D.V.C. No.166 of 2016 on the file of the II Additional Chief Metropolitan Magistrate at Vijayawada, Krishna District.

Heard the learned counsel for the petitioners/respondents and the learned Public Prosecutor and perused the material available on record.

On a perusal of the record, this Court is of the view that truth or otherwise of the allegations made against the petitioners can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioners.

In any event, considering the nature of allegations against the petitioner Nos.2 to 4 – respondent Nos.2 to 4, presence of the petitioner Nos.2 to 4 – respondent Nos.2 to 4 on each and every hearing before the trial Court is dispensed with, but they shall appear before the trial Court when the trial Court insists for their appearance for any specific purpose.

Considering the nature of allegations against the petitioner No.1-respondent No.1, the Criminal Petition is dismissed as far as petitioner No.1-respondent No.1 is concerned. The petitioner No.1 –respondent No.1 shall appear before the trial court during the course of trial.

It is represented that in between the same parties, another case i.e., C.C.No.884 of 2014 is pending in the same court. In that view of the matter, the learned Magistrate concerned shall dispose of D.V.C.No.166 of 2016 as expeditiously as possible and if convenient, both cases shall be tried simultaneously.

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

JUSTICE M.S.K.JAISWAL

08.09.2016

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