

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2481 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in C.C.No.1196 of 2015 pending on the file of XXV Metropolitan Magistrate, Kukatpally at Miyapur, for the offences punishable under Sections 420 and 120-B IPC.

Heard the learned counsel for the petitioner/accused and the learned Public Prosecutor and perused the material available on record.

A perusal of the material on record would reveal that the dispute arose between the parties is purely civil in nature not involving any public wrong. The police after completion of investigation filed the charge sheet before the Court and the same is pending before the Court. In that view of the matter, whether the petitioners have committed the alleged offences or not will be adjudicated only after a due trial and the same cannot be determined at this stage.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioners, this Court is not inclined to quash the proceedings against the petitioner/accused at this stage. However, it can be stated that the petitioners/accused are at liberty to file application for their discharge from the charges to be framed against them raising all the issues now raised herein.

Considering the facts and circumstances of the case, the petitioners are directed to file an application under Section 239

Cr.P.C. seeking their discharge from the charges to be framed against them by raising all the issues now raised herein and on filing of such application, the concerned Court shall consider the same and pass appropriate orders in accordance with law.

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With the above direction, the Criminal Petition is dismissed.
Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 25-02-2016

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