

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

CRIMINAL PETITION No.14228 of 2016

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioners/A.1 and A.2 seeking to quash the proceedings in C.C.No.267 of 2015 on the file of IV Metropolitan Magistrate, Bheemunipatnam, Visakhapatnam.

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

3. It appears from the complaint that the 2nd respondent/*de facto* complainant made certain allegations against the petitioners under Sections 120-B, 420, 468 and 471 read with 34 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 and A.2.

5. In that view of the matter, the Criminal Petition is disposed of directing the learned Magistrate to proceed with the trial in C.C.No.267 of 2015 without insisting for the presence of petitioner No.1/ A.1 on each and every adjournment, unless it feels that her presence is necessary for any specific purpose. However, the petitioner No.2/A.2 shall appear before the trial Court during trial.

Further more, the learned Magistrate is directed to dispose of C.C. No.267 of 2015 on the file of IV Metropolitan Magistrate, Bheemunipatnam, within a period of six (06) months from the date of receipt of a copy of this order. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Date: 30.09.2016

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M.S.K.JAISWAL,J



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