

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

CRIMINAL PETITION No.10825 of 2016

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ORDER:

This petition under Section 482 Cr.P.C. is filed by the petitioners/A.1 to A.5 seeking to quash the proceedings in C.C.No.182 of 2016 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam, registered for the offence punishable under Section 420 read with 34 IPC.

2. Heard learned counsel for the petitioners/A.1 to A.5 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/A.1 to A.5. 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 to A.5.

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.182 of 2016 without insisting for the presence of petitioner Nos.2 to 5 /A.2 to A.5 on each and every adjournment, unless it feels that their presence is necessary for any specific purpose. However, petitioner No.1/Accused No.1 shall appear before the trial Court during trial.

Further more, the learned Magistrate is also directed to dispose of C.C. No.182 of 2016 on the file of I Additional Chief Metropolitan

Magistrate, Visakhapatnam, within a period of six (06) months from today.

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

M.S.K.JAISWAL, J

JULY 26, 2016

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