

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46029 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records pertaining to charge sheet in CC No.619 of 2016 on the file of Additional Judicial Magistrate of First Class, Shadnagar, arising out of Crime No.564 of 2014 on the file of Shadnagar Police Station, Mahaboobnagar, and quash the same.

Heard and perused the material available on record.

On the basis of the complaint lodged by the 3rd respondent, the above crime was registered by the 2nd respondent, against the petitioner and others. After completion of investigation, the 2nd respondent filed charge sheet before the Additional Judicial Magistrate of First Class, Shadnagar, Mahaboobnagar, against the petitioner and others for the offences under Sections 447, 427 and 506 IPC and the same was numbered as CC 619 of 2016. Challenging the said charge sheet, the present writ petition is filed.

Learned counsel for the petitioner submitted that there are no specific allegations against the petitioner in the charge sheet, and that the complaint was lodged belatedly, i.e., nearly 42 days after commission of offence, and that the entire reading of charge sheet does not disclose any offence against the petitioner and therefore, he requested to quash the proceedings against the petitioner in the above case.

After hearing the arguments of the learned counsel for the petitioner and also on perusal of the entire record, this Court is of the

view that the present writ petition is not maintainable and the petitioner can raise the points that are raised before this Court by way of filing a discharge application before the Court concerned. At this stage, learned counsel for the petitioner confined his prayer and requested to permit the petitioner to file a discharge application before the Court below and also to dispense with the presence of the petitioner before the Court below.

Accordingly, the Writ Petition is disposed of permitting the petitioner to file a discharge application before the Court below, and till disposal of the said discharge application, the presence of the petitioner is dispensed with before the Court below. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

December 28, 2016.
KTL

RAJA ELANGO, J



