

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4061 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/ A-1 in C.C.No.39 of 2011 on the file of II Additional Judicial Magistrate of First Class, Kadapa arising out of Crime No.143 of 2008 of Chinnachowk Police Station, registered for the offences punishable under Section 498-A read with Section 34 IPC.

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

The case of the petitioner is that he was arrayed as A-1 along with other accused in Crime No.143 of 2008 of Chinnachowk Police Station, which was registered for the offences punishable under Section 498 A IPC, based on the complaint given by the second respondent/de facto complainant and thereafter, the same was numbered as C.C.No.39 of 2011 pending on the file of II Additional Judicial Magistrate of First Class, Kadapa.

The fact remains that during the course of framing of charges, A-2, A-3, and A-5 to A-8 were discharged from the case, as there were no specific overt acts against them. It is stated that since the petitioner/A-1 is not appearing from 2011 before the court, NBW was issued against him and the same is pending execution.

Considering the facts and circumstances of the cases and since NBW is pending execution against the petitioner/A-1, this Court is of the view that it is not a fit case to quash the

proceedings. However, the petitioner/A-1 is directed to approach the trial Court where the case is pending and file appropriate application for recalling the NBW issued against him and on such application being filed, the trial Court is directed to recall the NBW issued against him on the same day and the petitioner/A-1 shall appear before the trial Court regularly.

With the above direction, the criminal petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 28-03-2016

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