

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3229 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in Calendar Case No.1155 of 2016 on the file of the II-Additional Junior Civil Judge-cum-First Class Judicial Magistrate, Ongole.

2. The petitioner is the sole accused in the aforesaid crime and he alleged to have committed the offence punishable under Section 420 of the Indian Penal Code, 1860.

3. Heard Sri V.Srinivasa Rao, learned counsel for the petitioner.

4. Even from a perusal of the petition, what all mentioned in paragraph Nos.2 to 9, are all disputed questions of fact and, therefore, the same cannot be adjudicated upon in a petition under Section 482 of the Code.

5. Learned counsel for the petitioner urges to issue notice to respondent Nos.1 and 2-*de facto* complainants. It is not a case, where such a notice need be given to respondent Nos.1 and 2 and the present petition is being disposed of at the admission stage.

6. Learned counsel for the petitioner further urges that the presence of the petitioner may be dispensed with during trial. The petitioner is the sole accused, in case he has got any inconvenience, he may avail the opportunity of recourse to Section 205 of the Code by filing such an application.

7. Accordingly, the Criminal Petition is dismissed.
8. Miscellaneous Petitions pending, if any, shall stand closed.

A. SHANKAR NARAYANA, J

27th April 2017

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