

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1647 OF 2017

ORDER:

The present Criminal 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 1106 of 2015 on the file of the XVII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

2. The petitioners are arraigned as accused Nos.1 to 3 in the aforesaid Calendar Case, and they alleged to have committed the offences punishable under Sections 406, 323, 420, 448, 382, 506 and 120B IPC and the same is pending before the aforesaid Court.

3. Sri Asadulla Shareef, learned counsel for the petitioners would submit that a false case is foisted against the petitioners and, in fact, there have been exchange of notices, and based on all incorrect allegations, the crime was registered and improper investigation was done by the Investigating Officer, who laid charge sheet, though, in fact, the Investigating Officer ought to have referred it as a false complaint. The other averments are not germane to decide the present request.

4. The learned Additional Public Prosecutor for the State of Telangana would resist the case contending that the Calendar Case

itself relates to the year 2015 and the trial can be hastened giving a suitable direction.

5. A perusal of the charge sheet as well as statements recorded under Section 161 of the Code would clearly reflect *prima facie* allegations in making out the commission of cognizable offences and the complicity of the petitioners in the commission of the offences have been alleged. It is unnecessary to refer to each of the allegations with reference to the complicity of each accused and other intricacies argued by the learned counsel for the petitioner which are projected in the grounds of petition. Suffice it to hold that it is not a case where abuse of the process of law can be viewed, in case trial is conducted; nor it is a case where vexatious allegations have been levelled. There is absolutely no merit in the present case to quash the proceedings in the aforesaid Calendar Case as requested. However, keeping in view, the fact that petitioner No.2 is 65 years old, it is desirable to issue a direction to the learned XVII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad to dispose of the Calendar Case No.1106 of 2015 as expeditiously as possible, preferably within a period of one year from the date of receipt of a copy of this Order.

With the aforesaid direction, the Criminal Petition is, accordingly, dismissed at the admission stage itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

March 15, 2017.

Mgr

