

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.885 of 2017

ORDER:

This criminal petition is filed by the petitioner seeking to quash the proceedings in CC.No.850 of 2016 on the file of the IV Additional Chief Metropolitan Magistrate cum Mahila Court Magistrate, Vijayawada.

2. Heard learned counsel for the petitioner, learned Public Prosecutor for respondent No.1 and learned counsel for respondent No.2 and with their consent, the criminal petition is disposed of at the admission stage.

3. It is brought to the notice of this Court that no discharge petition is filed by the petitioner as yet. Hence, the petitioner can avail the effective remedy of seeking for discharge before the Court below and the law is well settled that only in exceptional circumstances the power under Section 482 of the Criminal Procedure Code can be invoked. In this case, no such special circumstances are brought to the notice of this Court and are pleaded by the counsel for the petitioner.

Hence, the criminal petition is disposed of permitting the petitioner to file a discharge petition before the Court below and raise all the grounds that are raised in this petition before the Court below. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 20, 2017
DSK

T. RAJANI, J