

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.16183 OF 2016

ORDER:

This writ petition is filed under Article 226 of Constitution of India to quash the Crime/F.I.R.No.38 of 2016 on the file of Women Police Station, Visakhapatnam City, Visakhapatnam.

During pendency of this petition, petition is filed before this Court under Section 151 of Code of Civil Procedure stating that the respondent No.3 – defacto complainant is ready and willing to withdraw her complaint lodged with the police and requested this Court to quash the proceedings.

Unless a petition is filed before the Magistrate seeking to withdraw the complaint, this Court cannot exercise such power in the writ petition filed under Article 226 of Constitution of India. However, liberty is given to the defacto complainant to file application before appropriate Court for withdrawing the complaint.

With the above observation, the petition is disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

26.12.2017
Ksp