

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1091 of 2017

ORDER:

This criminal petition is filed by the petitioner/A-5, under Section 482 of Cr.P.C., seeking to quash the proceedings in C.C.No.981 of 2015, on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and with their consent, the criminal petition is disposed of at the admission stage.

3. Learned Public Prosecutor brings to the notice of this Court that the case is already numbered as C.C.No.981 of 2015. The petitioner need not be permitted to invoke the inherent powers of this Court under Section 482 Cr.P.C., as the law is well settled that only when on the face value of the complaint, it can be made out that no offence is made out against the petitioner, the inherent powers can be invoked. Hence, the petitioner has an effective remedy **before** the Court below to file a petition for discharge on the same grounds. However, the plea of the counsel for the petitioner that the presence of the petitioner can be dispensed with can be taken care of by directing the Court below not to insist upon the presence of the petitioner unless it is required for the proceedings of the case till the discharge petition is disposed of. The petitioner can raise all the grounds raised herein in the discharge petition filed by him.

4. With the above observations the Criminal Petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

JUSTICE T. RAJANI

Date: 12th October, 2017
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