

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.834 of 2017

ORDER :

A typical incident comes to the notice of this Court on account of filing of the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the proceedings in C.C.No.59 of 2013 on the file of the XIV Metropolitan Magistrate, Cyberabad and L.B.Nagar.

2. The petitioner, who is arraigned as A.1, makes a request to quash the proceedings on the sole ground that A.2 was acquitted for the offence punishable under Section 379 IPC in the main case in C.C.No.242 of 2009, after full-fledged trial. This is a split up case from the said main case.

3. Sri Ch.Ramiah, learned counsel for the petitioner, would submit that no purpose would be served in prosecuting the petitioner by conducting trial when A.2 was acquitted and, therefore, sought to quash the calendar case proceedings against him.

4. When a question is put to the learned counsel, he answered that the petitioner has not made appearance before the Court at all even in the split up calendar case, which is now sought to be quashed. The main calendar case relates to the year 2009 and the split up case relates to the year 2013. The allegation in the present case is that the petitioner herein and A.2 came behind the de facto complainant and his friend, who were proceeding towards Ravirala from their residence, and snatched away two nokia cell phones. The petitioner

herein and A.2 are said to be involved in 'chain snatching' while proceeding on motor bike from behind the victims and snatch the chains. The petitioner, without making appearance before the learned Magistrate, has directly approached this Court for quashing the proceedings in the calendar case against him. The learned counsel is unable to distinguish whether there is any observation in the judgment rendered by the learned Magistrate touching the innocence of the petitioner herein. The entire judgment runs on the basis of the allegations against A.2 except to the extent of crime being registered against A.1 and A.2. In that view of the matter, certainly the request to quash the proceedings cannot be acceded to.

5. Accordingly, the criminal petition is dismissed.
6. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

3rd February 2017.

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