

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10265 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in C.C.No.314 of 2017 on the file of the I Additional Judicial Magistrate of First Class, Adoni, Kurnool District, for the offences punishable under Sections 324 and 506 read with Section 34 of the Indian Penal Code.

Counsel for the petitioners, though raised several contentions including pendency of various civil matters between the same parties and that the present complaint was one such complaint lodged by the second respondent to wreck vengeance against the petitioners, he requested this Court to dispense with the appearance of the petitioners before the trial Court.

The power under Section 205 Cr.P.C. is discretionary. Such power is to be exercised by the trial Magistrate. This Court cannot exercise power under Section 205 Cr.P.C. except in a revision. Therefore, liberty is given to the petitioners to file appropriate petition under Section 205 Cr.P.C. or Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990 seeking such relief.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

(M.SATYANARAYANA MURTHY, J)

7th November 2017
RRB