

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.No.10264 of 2017

ORDER:

This Criminal Petition is filed under Section-482 of Cr.P.C. to quash the proceedings in P.R.C.No.56 of 2016 (Crime No.229 of 2016 of Begumpet Police Station, Hyderabad) on the file of the learned XI Additional Chief Metropolitan Magistrate, Secunderabad on the ground that the charge sheet filed before the Magistrate was to the effect that the deceased was not subjected to cruelty soon before her death to attract the presumption under Section-113-B of the Evidence Act.

Learned Public Prosecutor for the State of Hyderabad contended that this Court cannot exercise the power under Section-482 of Cr.P.C. to quash the proceedings in P.R.C. and he sought for dismissal of the Criminal Petition since the same is premature. He relied on a judgment of the Supreme Court in *Umesh Kumar Vs. State of Andhra Pradesh and another*¹ and on the strength of the principle laid down in the said judgment, he sought to dismiss the Criminal Petition.

The main contention of the learned counsel for the petitioners is that though the charge sheet was filed a year ago,

¹ (2013) 10 SCC 591

the Magistrate did not pass appropriate order. However, the learned counsel requested to issue a direction to the Magistrate to complete the process of committal expeditiously, if any case is made out against the petitioners.

In view of the above submission, without touching the merits of the case, the learned XI Additional Chief Metropolitan Magistrate, Secunderabad is directed to complete the process of committal under Section-209 Cr.P.C. if any case is made out against the petitioners and if no case is made out, he shall pass appropriate order within one month from the date of receipt of a copy of this order.

Subject to the above direction and observation, the Criminal Petition is disposed of.

As a sequel, CrLPMP.No.11361 of 2017 filed by the petitioners for interim relief stands dismissed as infructuous.

JUSTICE M.SATYANARAYANA MURTHY

07th November 2017

Note:

Issue C.C. by 09.11.2017.

B/o

DR