

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.778 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 to 5, seeking to quash the charge-sheet filed against them in P.R.C.No.19 of 2017 on the file of the Judicial Magistrate of First Class, Atmakur, SPSR Nellore District.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 5, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioners/accused Nos.1 to 5 would submit that the allegations levelled against the petitioners/accused Nos.1 to 5 do not constitute offence under section 307 of I.P.C. and other provisions of law and that the charge-sheet is erroneously filed for the offences under sections 143, 147, 148, 324, 307, 323 read with 149 of I.P.C. and ultimately prayed to quash the proceedings against the petitioners/accused Nos.1 to 5.

4. On the other hand, the learned Assistant Public Prosecutor opposed for the relief sought for by the petitioner/accused No.2 stating that when the case is at the stage of P.R.C., this Criminal Petition is not maintainable.

5. It is for the trial Court, while framing charges, to take into consideration the allegations levelled against the

petitioners/accused Nos.1 to 5 and frame charges. Before framing charges, a hearing is also contemplated under law. Thus, the trial Court may take all the allegations and the facts and circumstances of the case into consideration and then frame charge, if required, for the offence under Section 307 of I.P.C. and proceed with the trial of the case. If no charge is required to be framed for the offence under Section 307 of I.P.C., the trial Court may pass appropriate orders, in accordance with law.

6. With the above observations, this Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

29th January, 2018
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