

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.863 OF 2018

ORDER:

This petition is filed by the petitioners-A1 and A2 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.276 of 2013 on the file of the XIII Addl. Chief Metropolitan Magistrate, Hyderabad, which took cognizance of the offences punishable under Sections 406 and 506 IPC.

2. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons. Petitioner-A2 is the mother of petitioner-A1 and she is suffering from health problem. She is old lady, aged 65 years. There are no incriminating material to file charge sheet against the petitioners. The Investigating Officer erroneously filed the same and the learned Magistrate has taken the cognizance and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioners in the petition.

5. The material on record reveals that there are number of allegations constituting the offences referred supra against the petitioners. Having satisfied with the material, the learned Magistrate has taken cognizance for the offences referred supra against the petitioners. There is nothing to hold that the petitioners are innocent persons and the allegations made against them do not constitute the offences referred above. The innocence or otherwise of the

allegations made against the petitioners can only be determined after full-fledged trial. The continuation of proceedings would not be an abuse of process of law. Therefore, the petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 30-01-2018.

Hsd

