

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1741 OF 2018

ORDER:

This petition is filed by the petitioners-A1 to A7 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.175 of 2013 on the file of the V Metropolitan Magistrate, Anakapalli, Visakhapatnam District, which was taken cognizance of the offences punishable under Sections 447, 427 and 323 r/w 34 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 a report to the police was lodged with one month delay. There are civil disputes between the parties to the litigation. The petitioners and the de facto complainant are relatives. This case is foisted in order to harass the petitioners 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. As per the material placed on record, there are allegations constituting the offences referred above. The innocence of the petitioners or otherwise is required to be adjudicated in a criminal trial. The dispute relates to the year 2012. Still C.C.No.175 of 2013 is pending before the Court concerned.

6. It is submitted that some of the petitioners are aged persons. Their appearance before the Court concerned

on every date of hearing is causing inconvenience to them. As far as quashing of the proceedings are concerned, there are no merits to do so.

7. In view of the submission made by the learned counsel for the petitioners, the Court below is directed to complete the trial of the case and pronounce the judgment within six (6) months from today. The petitioners-A1 to A7 are permitted to be represented by one among them by filing an application under Rule 37 of Criminal Rules of Practice subject to their entitlement.

8. With the above direction/permission, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DATED: 15-02-2018.
Hsd

DR.SHAMEEM AKTHER, J

