

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1874 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.5 to 7, seeking to quash the proceedings in S.C.No.369 of 2017 on the file of the Additional Sessions Judge, Anantapur.

2. Heard the learned counsel for the petitioners/accused Nos.5 to 7, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioners/accused Nos.5 to 7 would submit that there are no specific allegations against the petitioners/accused Nos.5 to 7 to constitute offences under Sections 313, 498-A, 494, 506 read with 34 of I.P.C. and proceeded with. Continuation of proceedings in S.C.No.369 of 2017 on the file of the Additional Sessions Judge, Anantapur, will amount to abuse of process of law and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the application.

5. When there are no allegations against the petitioners/accused Nos.5 to 7, as contended by the learned counsel for the petitioners/accused Nos.5 to 7, the same can be agitated before the Court of Sessions. If required, an application under Section 239 of Cr.P.C., can also be filed seeking discharge.

However, a hearing is contemplated before framing of charges. At that time also, the petitioners/Accused Nos.5 to 7 can put forth all their grounds for discharge and can contend that there is no material to frame charges and proceed with.

6. In view of the submissions made by both the learned counsel, without expressing any opinion on the merits of the matter, this Criminal Petition is disposed of leaving it open to the petitioners to raise all the contentions now raised, to be determined by the Court of Sessions.

7. The Criminal Petition is disposed of accordingly.

Pending Miscellaneous Petitions, if any, shall stand closed.

19th February, 2018
Bvv

Dr. SHAMEEM AKTHER, J

