

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.998 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners-A.3 and A.4 seeking to quash the proceedings against them in S.C. No.258 of 2015 on the file of the Assistant Sessions Judge, Huzurabad, Karimnagar district.

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

3. Learned counsel appearing for the petitioners-A.3 and A.4 would submit that the victim suffered only simple injury as per the prosecution case and there is no intention on the part of the petitioners to make an attempt to do away with the life of the victim; that the allegations do not constitute the offence punishable under Section 307 IPC against the petitioners-A.3 and A.4 and so, continuation of the impugned proceedings against the petitioners-A.1 to A.4 is nothing but abuse of process of Court, and ultimately, prayed to quash the impugned proceedings against petitioners-A.3 and A.4.

4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of relief sought in the Criminal Petition.

5. In view of the contentions put forth by both sides, the point for determination is whether the proceedings in S.C. No.258 of 2015 on the file of the Assistant Sessions Judge, Huzurabad, Karimnagar district can be quashed against the petitioners-A.3 and A.4 ?

6. As far as allegations against the petitioners-A.3 and A.4, the court below has to decide truth or otherwise of the allegations. The petitioners-A.3 and A.4 have a remedy under Section 239 Cr.P.C. by way of filing an application to discharge. So, the petitioners are at liberty to file such application and agitate the contentions raised herein before the Court below. No opinion is expressed with regard to merits of the case.

7. The Criminal Petition is disposed of with the above observation.

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

27.2.2018
DRK

DR.SHAMEEM AKTHER, J



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