

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2304 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, seeking to quash the proceedings in P.R.C.No.28 of 2017 on the file of Additional Judicial Magistrate of First Class, Husnabad, Karimnagar District.

2. Heard the learned counsel for the petitioner/A.2, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. It is contended by the learned Assistant Public Prosecutor that no proceedings can be quashed at PRC stage. There are other enabling provisions to the petitioner/A.2 to seek appropriate remedy and there are also number of decisions of the Apex Court in support of the prosecution case.

4. As seen from the record, the case is coming up only for committal to the Court of Sessions. At this stage, the learned Magistrate has to make judicious application of mind to find out whether the offences alleged are triable by the Court of Sessions or not. Even after committal of the case to the Court of Sessions, the petitioner/A.2 has the remedy under Section 239 Cr.P.C.

5. Under these circumstances, without expressing any opinion on the merits of the matter, the petitioner/A.2 granted liberty to invoke all the remedies available to him under law.

6. With the above observation, the Criminal Petition is disposed of.

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

Dr. Shameem Akther, J

26th February, 2018
Bvv

