

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.4789 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 & A.2 to quash the proceedings in C.C.No.304 of 2015 on the file of Judicial Magistrate of First Class, Kurnool, registered for the offences punishable under Sections 448, 427, 506 read with 34 of I.P.C.

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

3. It has been contended on behalf of the petitioners/A.1 & A.2 that the date of alleged offence is on 25.02.2013, but the complaint was lodged with the police on 12.04.2013, i.e., after 45 days of the alleged incident. It is also contended that the dispute between the parties is civil in nature. As per the statements of the witnesses, charges were framed in the subject Calendar Case long back. The truth or otherwise of the allegations can only be determined after due trial. At this stage, it cannot be said that there are no grounds to proceed with the trial of case. It is brought to the notice of this Court that summons are yet to be served on some of the listed witnesses. Continuation of proceedings against the petitioners/A.1 & A.2 will not amount to abuse of process of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

4. Accordingly, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

30th April, 2018
Bvv

