

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10768 OF 2018

ORDER:

The petitioners 1 and 2 herein are accused in C.C.No.8 of 2016 on the file of the Judicial First Class Magistrate, Chevella, Ranga Reddy District, which is outcome of the private complaint of the 2nd respondent mentioning for the offences punishable under Sections 406, 409, 420 and 506 IPC. The learned Magistrate, after recording the sworn statements of two witnesses including the complainant as LW.1 and one E.Yella Reddy as LW.2 taken cognizance for the said offences, according to the petitioners. The petitioners are seeking to quash the said cognizance proceedings.

Heard both sides and perused the material on record and the decisions placed reliance by the learned counsel for the petitioners in Vesa Holdings Private Limited v. State of Kerala¹, particularly at para-12, Suresh v. Mahadevappa Shivappa Danannava² particularly paras 9, 10 and 12, K.L.E.Society and others v. Siddalingesh³, where at para-7 referred the expression of the Apex Court in R.P.Kapur v. State of Punjab⁴ and Punjab National Bank and others v. Surendra Prasad Sinha⁵ particularly para-5.

¹ 2015(8) SCC 293

² 2005(3) SCC 670

³ 2008(4) SCC 541

⁴ AIR 1960 SC 866

⁵ 1993 Supp (1) SCC 499

In fact, the impugment if at all to the cognizance order, which is not before this Court to express any opinion, though, there is no quarrel on the legal proposition. In the absence of showing the cognizance order, this Court is not in a position to quash the proceedings as to what are the reasons assigned by the learned Magistrate in taking cognizance and on what material with reference to what documents.

Having regard to the above, the Criminal Petition is disposed of, without expressing any opinion on merits and if at all any discharge application filed by the petitioners/ accused before the lower Court invoking Section 245 Cr.P.C, the learned Magistrate shall consider the same.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Date: 10.12.2018
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Dr. B. SIVA SANKARA RAO, J