

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1486 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.672 of 2015 on the file of XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, by which, the petitioner/accused is being prosecuted for the offences alleged under Sections 506 and 509 I.P.C.

2. Heard learned counsel for the petitioner/accused and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. The allegations levelled against the petitioner/accused are substantiated in the course of investigation and charge sheet is filed. The truth or otherwise of the allegations levelled against the petitioner/accused can also be agitated before the trial Court. At this stage, it cannot be said that the statements recorded by the Investigation Officer, in the course of investigation, are untenable and can be trashed out. Under these circumstances, it is not a fit case to allow the petition.

4. It is submitted that the petitioner/accused is residing at Guntur and is aged about 63 years and as such, his appearance before the trial Court be dispensed with.

5. If the petitioner/accused intends to dispense with his appearance before the trial Court, he can do so by filing an application under Section 317 Cr.P.C. before the trial Court. In such an event, the trial Court may sympathetically consider the same.

6. With the above observation, the Criminal Petition is dismissed.

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

March 14, 2019.
MD

Dr. SHAMEEM AKTHER, J

