

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1707 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in S.C.No.311 of 2018 on the file of I Additional Metropolitan Sessions Judge, Nampally at Hyderabad, in which, the petitioners/accused Nos.1 to 3 are being prosecuted for the offences alleged under Sections 498A, 420, 406, 204, 195A and 313 I.P.C.

2. Heard learned counsel for the petitioners/accused Nos.1 to 3 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. Learned counsel for the petitioners/accused Nos.1 to 3 would submit that no accusation is made out against the petitioners/accused Nos.1 to 3 for the offences alleged; that there are no grounds to frame charges and proceed with against the petitioners/accused Nos.1 to 3 and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor had supported the averments in the charge sheet and stated that the petitioners/accused Nos.1 to 3 can be proceeded with for the offences alleged and ultimately, prayed to dismiss the petition.

5. In the course of submissions, it is brought to the notice of this Court that charges are not yet framed by the Court of Session. A hearing is contemplated under Section 227 Cr.P.C. before charges are framed by the Court of Session. In the course of hearing, having considered the material on record, if the trial Court comes to a conclusion that there are no sufficient grounds for proceeding against the accused, it has to discharge the accused and record reasons for doing so. An efficacious remedy is available to the petitioners/accused Nos.1 to 3 under Section 227 Cr.P.C. before charges are framed. Therefore, it is not appropriate to express any opinion with regard to the merits of the case, so also, to exercise jurisdiction under Section 482 Cr.P.C. The petitioners/accused Nos.1 to 3 are at liberty to avail the efficacious alternative remedy available to them.

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

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

Dr. SHAMEEM AKTHER, J

April 02, 2019.
MD