

**HON'BLE JUSTICE G. SRI DEVI**  
**CRIMINAL PETITION No.7711 of 2019**

**ORDER :**

This Criminal Petition is filed under Section 482 of the Code of the Criminal Procedure, 1973, seeking to quash the docket order, dated 01.09.2018 directing to issue N.B.Ws against the petitioner-A1 in C.C.No.1596 of 2018 on the file of the I Addl. Judl. I Class Magistrate, Nizamabad for the alleged offences punishable under Sections 498-A, 420, 290, 323 and 342 IPC and 4 of D.P. Act, 1961.

2. Learned counsel for the petitioner-A1 submits that the concerned police have informed the Regional Passport Officer, Hyderabad, about the pendency of the case and requested to impound his passport and basing on the same, the Regional Passport Officer has informed the same to the High Commission of India, Singapore to cancel the passport issued to him and in turn the High Commission of India, Singapore, has issued the emergency certificate and deported the petitioner to India on 17.10.2019. He further submits that the petitioner came to know that the F.I.R. was registered in his absence and investigation was also completed in his absence and basing on the requisition made by the S.I. of Police, IV Town P.S., Nizamabad, the learned Magistrate has issued N.B.Ws against him and the same is pending. He further submits that the learned

Magistrate without giving any opportunity to the petitioner, has passed the order directing to issue N.B.Ws. to the petitioner. He further submits that the petitioner is a law abiding citizen and he will abide by the conditions imposed by this Court and undertakes to appear before the learned Magistrate as and when required. He further submits that no summons whatsoever has been received by the petitioner to attend the Court. Hence, he prays to quash the docket order, dated 01.09.2018 passed by the learned Magistrate.

3. On 01.09.2018, the learned Magistrate passed the following order:

“Taken cognizance of the offence under section 498-A, 420, 290, 323 and 342 IPC and Section 4 of D.P. Act against A1 to A4, register the case as CC/STC, issue summons to accused, issue NBW against A1, call on 06.10.2018.”

4. The learned Magistrate has taken cognizance for the above offences and directed to issue summons to other accused and to issue NBW against the present petitioner-A1. The learned Magistrate neither issued summons nor any notice under Section 41-A Cr.P.C. to the present petitioner. Therefore, the order passed by the learned Magistrate, dated 01.09.2018 directing to issue NBW against the present petitioner-A1 is liable to be quashed and accordingly, the same is quashed. However, the petitioner-A1 is directed to surrender before the concerned

Court within 15 days from today and on such surrender, the learned Magistrate is directed to release him on bail on the same day on his furnishing a personal bond for Rs.15,000/- with two sureties for a like sum each.

5. With the above direction, the Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

**DATED: 28.11.2019**

Hsd

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**JUSTICE G. SRI DEVI**

