

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 8329 of 2019

ORDER:

1. The petitioner/ accused No.4 filed the present application under Section 482 of Cr.P.C., to quash the order, dated 15.07.2019 passed in CrI.M.P.No.1082 of 2019 in C.C.No.4480 of 2019 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad, wherein and whereunder an application filed by the petitioner/ accused No.4 for return of the original passport for a period of six months was dismissed.

2. As seen from the record, an application came to be filed seeking return of original passport of the petitioner/ Accused No.4 to go to U.S. A perusal of the impugned order would show that the charge sheet was filed by showing accused No.1 as absconding and the petitioner/ accused No.4 has to answer the charge under Section 494 of I.P.C. The learned Magistrate has rightly pointed out that in the absence of accused No.1 and the petitioner/ accused No.4, who are the actual culprits, the entire exercise of the victim would become futile and there is every possibility of the petitioner/ accused No.4 fleeing away from the jurisdiction of the Court. As such, there are no grounds to quash the impugned order. However, liberty is given to the petitioner/ accused No.4 to make a fresh request for return of the original passport after framing of the charges by the trial Court. Since the aforesaid C.C. is of the year 2019, the learned Magistrate is directed to commence the

charge proceedings, as expeditiously as possible, preferably, within a period of three months from today.

3. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

03.02.2020
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