

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.3895 OF 2022

O R D E R:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners/accused to quash the proceedings against them in C.C.No.472/2015 pending on the file of Judicial Magistrate of First Class at Jadcherla. The offences alleged against them are under Sections 341, 324, 323, 447, 427, 504, 506 read with 34 of the Indian Penal Code (for short "IPC")

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. A perusal of the record would reveal that, there are disputes between the petitioners and the 2nd respondent with regard to a land. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioners herein. They are triable issues. The petitioners have to face trial and prove their innocence. The defences taken by the petitioners cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in

C.C.No.472 of 2015 pending on the file of Judicial Magistrate of First class, at Jadcherla, against the petitioners herein.

4. In view of the aforesaid reasons, the attendance of the petitioners/accused is dispensed with in C.C.No.472/2015 pending on the file of Judicial Magistrate of First Class at Jadcherla, when represented by their counsel on record. The attendance of the petitioners is dispensed subject to filing an affidavit by the petitioners stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and also they shall not dispute their identity. However, the petitioners shall appear before the learned Magistrate as and when their presence is required. In the event of the petitioners failure to appear when the Court directs, this order dispensing their attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 25.11.2022
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Dt. 25.11.2022

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