

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10550 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.1 to 4 to quash the proceedings against them in C.C.No.2425 of 2022 pending on the file of I Additional Judicial First Class Magistrate at Warangal. The offences alleged against them are under Sections 365, 294-B, 506, 290, 323 read with 34 of 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, the petitioner Nos.1 and 2 - 2nd respondent forcibly took the complainant - 2nd respondent to the Advocate office and they opened the room. Meanwhile, petitioner Nos.3 and 4 – Accused Nos.3 and 4 came there and keeping in mind the land disputes between them, all the petitioners obstructed the complainant and took videos and beat the

complainant with hands and threatened him with dire consequences. 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 defence 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.2425 of 2022 pending on the file of I Additional Judicial First Class Magistrate at Warangal, against the petitioners herein.

4. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioner Nos.2 to 4 herein – Accused Nos.2 to 4 is dispensed with in C.C.No.2425 of 2022 pending on the file of I Additional Judicial First Class Magistrate at Warangal, when represented by their counsel on record. The attendance of the petitioner Nos.2 to 4 is dispensed with subject to filing an affidavit by them 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 petitioner Nos.2 to 4 shall appear before the learned Magistrate as and when their presence is required. In the event of the petitioner Nos.2 to 4

failure to appear when the Court directs, this order dispensing their attendance would stand cancelled. However, the Trial Court shall proceed with the trial in so far as petitioner No.1-Accused No.1 is concerned.

5. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Date: 29.11.2022
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K.SURENDER, J