

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3302 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings initiated against the petitioners/A-1 and A-2 in C.C.No.442 of 2015 on the file of XIV Metropolitan Magistrate, Cyberabad, at L.B. Nagar, arising out of Crime No.151 of 2015 of Saroornagar Women Police Station, Cyberabad, registered for the offences punishable under Section 498 A and 406 IPC.

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

The offences alleged against the petitioners are punishable under Sections 498 A and 406 IPC. Admittedly, after duly investigating into the complaint lodged by the *de facto* complainant, the Police filed charge sheet against the petitioners and the same is numbered as C.C.No.442 of 2015, which is pending before the XIV Metropolitan Magistrate, Cyberabad, L.B. Nagar.

A reading of charge sheet reveals specific allegations are alleged against the petitioners, the truth or otherwise of which can be decided only after due trial, and the same cannot be decided at this stage. However, after taking cognizance of the case, the learned Magistrate issued NBW against A-1 and summons to A-2. In that view of the matter, this Court is not inclined to interfere with the proceedings against the petitioners.

Having regard to the facts and circumstances of the case

and in view of the fact that NBW as well as summons were issued against the petitioners/A-1 and A-2, without expressing any opinion on the merits of the case, the first petitioner/A-1 is directed to approach the trial Court and file an application under Section 70 (2) Cr.P.C. seeking to recall NBW issued against him and on filing such application, the trial Court shall consider the same on the same day and pass appropriate orders in accordance with law. The second petitioner/A-2 is directed to approach the trial Court and file an application under Section 205 Cr.P.C. seeking to dispense with his presence before the trial Court, which shall be considered by the trial Court in accordance with law.

Subject to the above directions, the criminal petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 28-03-2016

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