

**IN THE HIGH COURT OF JUDICATURE AT HYDERABD
FOR THE STATE OF TELANGANA AND STATE OF ANDHRA
PRADESH**

THURSDAY THE TWENTYEIGHTH DAY OF AUGUST
TWO THOUSAND AND FOURTEEN

PRESENT
HONOURABLE SRI JUSTICE S. RAVI KUMAR

CRIMINAL PETITION NO. 8824 OF 2012

Between:

Karri Yerrni Avatharam ... Petitioner/A-1

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor
High Court of Judicature at Hyderabad
for the State of Telangana & AP. Respondents/Complainant
& Anr.

Counsel for Petitioner : Sri K.Jyothi Prasad

Counsel for Respondents : Public Prosecutor for R-1
Sri M.Surya Kumar for R-

The court made the following: [order follows]

HONOURABLE SRI JUSTICE S. RAVI KUMAR

CRIMINAL PETITION NO. 8824 OF 2012

ORDER:

This Criminal Petition is filed to quash proceedings in CC.No. 335 of 2011 on the file of II-Additional Chief Metropolitan Magistrate, Visakhapatnam for alleged offences under section 451, 380 read with section 34 IPC.

2. Heard Advocate for Petitioner.

3. It is submitted that because of the disputes between second respondent, present case is foisted, in fact the petitioner was not in the country as on the alleged date of incident.

4. As seen from the material papers, Police after due investigation and after examining six witnesses filed charge sheet stating that there is *prima facie* material against the petitioner also. Now at this stage, correctness of investigation report cannot be decided and the remedy available to the petitioner is to approach the court below and seek for a discharge.

5. For the above reasons, without going into merits, this Criminal Petition is disposed of directing the petitioner to avail remedies

available under law including filing of discharge petition. Advocate for petitioner submitted that since the petitioner is presently working in U.A.E. [Dubai], it is difficult for him to appear for each and every adjournment, at least his presence may be dispensed with.

6. Considering the submission of Advocate for petitioner, presence of petitioner is dispensed with for each and every adjournment. However, petitioner shall appear as and when the trial court feels that his presence is necessary for any specific purpose.

7. As a sequel, miscellaneous petition if any, pending in this criminal petition shall stand closed.

JUSTICE S. RAVI KUMAR .

28/08/2014
I s L.

HONOURABLE SRI JUSTICE S. RAVI KUMAR

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