

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7293 of 2015

ORDER :

Heard learned counsel for the petitioners/ accused Nos.1 to 6 in unnumbered calender case and also 2nd respondent—State represented by learned public prosecutor before admission and before ordering notice to 1st respondent—de facto complainant. Perused the material on record including the private complaint filed by accused No.1 herein against de facto complainant and her family members (few days prior to the present crime No.218 of 2014 of Women Police Station, Cyberabad pending on the file of XIV Metropolitan Magistrate, Cyberabad at L.B Nagar) alleging that a fraud played or cheated in performing the marriage of de facto complainant with accused No.1 by suppressing her mental condition.

2) It is the contention of the learned counsel for the petitioners that it is a counter blast to the said private complaint referred to police for investigation in registering the crime. Undisputedly, police after investigation filed final report and no part-II CD even filed.

3) Having regard to the above, for this Court to admit the application filed under Section 482 Cr.P.C to quash the unnumbered calender case, the Criminal Petition is disposed of, giving liberty to petitioners, to file an application for discharge under Section 239 Cr.P.C before the learned Magistrate concerned if no grounds to frame charges under Section 240 Cr.P.C vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say in the event of filing an application under Rule 37 Cr.R.P for one to represent others, the learned Magistrate shall hear and permit them so to represent with necessary conditions including personal appearance as and when required.

4) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.25.08.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date:25.08.2015

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[\[1\]](#) 2005 (1) SCC 568