

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.8154 of 2015

ORDER :

The Criminal Petition is filed by the petitioners/Accused Nos.1 to 5 under Section 482 Cr.P.C to quash the proceedings in C.C. No.190 of 2014 on the file of XIV Metropolitan Magistrate, Rangareddy District at L.B.Nagar, Hyderabad which is the outcome of the Crime No.178 of 2013 of Woman Police Station, Saroor Nagar registered for the offences punishable under Sections 498-A, 323, 406, 506 I.P.C and Sections 3 and 4 of the Dowry Prohibition Act.

2) Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) In fact, the material falls short for this Court to admit the application under Section 482 Cr.P.C at this stage to quash the calendar case proceedings, this petition is disposed of giving liberty to the petitioners to file an application under Section 239 Cr.P.C if there are no grounds to frame charge under Section 240 Cr.P.C and in such an event, the learned Magistrate shall consider the same basing on the prosecution material only by following the expression of the Apex Court in ***State of Orissa V.***

Debendranath Padhi^[1]. Needless to say, in the event of filing any application under Rule 37 of Criminal Rules of Practice by the petitioners, the learned Magistrate shall consider and permit one of the accused to represent on behalf of all other accused.

4) With the above observations, the criminal petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

22.09.2015
ksh

^[1] (2005)1 SCC 568