

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CrI.P.No.3829 of 2015

ORDER :

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners-A.2 to A.5 in C.C.No.1968 on the file of the learned Additional Junior Civil Judge-cum- XIX Metropolitan Magistrate, Kukatpally at Myapur, Cyberabad to quash the proceedings.

2. Heard the learned counsel for the petitioners/A.2 to A.5 so also the learned Public Prosecutor representing State-1st respondent before ordering notice to the 2nd respondent/defacto-complainant and perused the material on record.

3. On perusal of the record, the material falls short to admit the petition under Section 482 of Cr.P.C.

4. In the result, the Criminal Petition is disposed of, however, giving liberty to the petitioners/A.1 and A.2 from the submission by the learned counsel for the petitioners that they can move an application before the trial Magistrate under Rule 37 of the Criminal Rules of Practice for one of the accused to represent others instead of all to attend the Court unless their attendance is required and in such an event, the learned Magistrate to grant the same. Needless to say remedy is left open if there is material from the petitioners shown by them by filing an application under Section 239 of Cr.P.C. seeking for discharge to decide on own merits. Needless to say only from the prosecution material as laid down by the Apex Court in **State of Orissa Vs. Debendra Nath Pathi**. Consequently, miscellaneous applications, if any, pending in this Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 03.06.2015

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