

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9885 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.597 of 2014 on the file of V Metropolitan Magistrate, Gannavaram, Krishna District, where the learned Magistrate has taken cognizance for the offence punishable under Sections 323, 324, 427, 506 r/w 34 I.P.C, which is outcome of report of the 2nd respondent/*de facto* complainant in crime No.147 of 2012 of Pamidimukkala Police Station, Vijayawada.

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State before notice to respondent No.2 and before admission.

Perused the material on record. As the material falls short for this Court to admit the application, this criminal petition is disposed of giving liberty to the petitioners to file application under Section 239 Cr.P.C. before the learned Magistrate concerned if no grounds to frame charge under Section 240 Cr.P.C. in such an event the learned Magistrate shall hear and pass appropriate orders on own merits from the prosecution material vide **State of Orissa v. Debendranath Padhi**^[1]. In the event of framing of charges, further remedies are left open.

Needless to say, if the petitioners file an application under Section 37 of Criminal Rules of Practice for one to represent others, the learned Magistrate shall hear and permit the same with necessary conditions of personal appearance, as and when required.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:27-10-2015

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