

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

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—
CRIMINAL PETITION No.6367 OF 2015
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Between:

Vallakatla Ramaswamy and another .. Petitioners

And

The State of Telangana, rep., by its
Public Prosecutor, High Court of
A.P., Hyderabad and another .. Respondents

DATE OF JUDGMENT PRONOUNCED: 20-07-2015

—
SUBMITTED FOR APPROVAL:

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6367 of 2015

ORDER:

This criminal petition is filed by the petitioners/accused Nos.2 and 3 under Section 482 Cr.P.C to quash the proceedings in C.C.No.1165 of 2014 on the file of the X Metropolitan Magistrate, Cyberabad at Malkajgiri, outcome of the report of the 2nd respondent in Crime No.582 of 2014 of Malkajgiri Police Station, registered for the offences punishable under Section 498-A read with 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard the learned counsel for the petitioners/accused Nos.2 and 3 and the 1st respondent-State represented by the Public Prosecutor, before admission, before issuing notice to the 2nd respondent and perused the material on record.

3. As the facts of the case fall short for this Court to admit the petition under Section 482 Cr.P.C. to quash the proceedings, the Criminal Petition is disposed of giving liberty to the petitioners to file an application under Section 239 Cr.P.C. before the learned Magistrate and the learned Magistrate shall consider only from the prosecution material as per the decision laid down by the apex Court in ***State of***

Orissa V. Debendranath Padhi^[1] and pass appropriate orders. Needless to observe further that, if the learned Magistrate found that there are any grounds to frame charges or any charge made either under Section 240 or 228 Cr.P.C., as the case may be, the remedy left open to the petitioners is to impugn the same.

If the petitioners file any application under Rule 37 of the Criminal Rules of Practice seeking permission to represent one for the other accused before the learned Magistrate, the learned Magistrate shall hear and permit the same 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

20.07.2015

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^[1] (2005)1 SCC 568