

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5827 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.1 to 4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.380 of 2014 on the file of the Special Mobile Court-cum-Judicial Magistrate of the First Class, Kakinada which was the outcome of Crime No.336 of 2012 of Sarpavaram Police Station, registered for the offences punishable under Sections 498-A, 494 read with 34 I.P.C and Section 4 of Dowry Prohibition Act.

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

3) The facts of the case fall short for this Court to admit the application under Section 482 Cr.P.C to quash the proceedings, the same is disposed of giving liberty to the petitioners to approach the trial Court by filing an application under Section 239 Cr.P.C for the trial Court to decide only from the prosecution material as laid down in ***State of Orissa V. Debendranath Padhi***^[1]. If there are no grounds to frame charges under Section 240 Cr.P.C, needless to say subject to that if the petitioners file any application under

Rule 37 of Criminal Rules of Practice, the learned Magistrate shall here and permit with necessary conditions including personal appearance as and when required.

4) With the above observations, the Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

03.07.2015

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