

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.15159 of 2014

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ORDER :

This criminal petition is filed by the petitioners/A.1, A.2, A.4 and A.6 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.785 of 2014 on the file of the Additional Judicial First Class Magistrate at Sangareddy, Medak District.

2. Heard learned counsel for the petitioners as well as the 2nd respondent-State represented by the Public Prosecutor and taken as heard as the notice sent to the 1st respondent in CrI.P.M.P.No.16098 of 2014 even served failed to attend and perused the material on record including the interim order dated 12.12.2014 passed by this Court (another Bench) in this criminal petition dispensing with the presence of the petitioners herein before the trial Court for three weeks.

3. As the material falls short for this Court to quash the charge sheet filed by the police, that was taken cognizance by the learned Magistrate and no Part-II C.D. even filed. Hence, liberty is given to the petitioners to approach the trial Court by filing an application under Section 239 Cr.P.C., if there are no grounds to frame charges under Section 240 Cr.P.C. or to seek discharge, the learned Magistrate there from to consider only from the prosecution material on own merits as laid down by the Apex Court in **State of Orissa v. Debendranath Padhi** and pass appropriate orders. Needless to say, in the event of filing any application under Rule 37 of the Criminal Rules of Practice, the learned Magistrate shall permit one of them to represent the others unless personal attendance is required for any specific purpose. Further remedy is left open to the petitioners in the event of framing charges under Section 240 Cr.P.C.

4. Accordingly, the criminal petition is disposed of.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

16th July 2015.

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