

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.8379 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/A2 to A7 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.577 of 2015 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A I.P.C. and 3 and 4 of the Dowry Prohibition Act, which is out come of the report of the 2nd respondent-*de facto* complainant that was registered by K.P.H.B. Colony Police Station, Cyberabad in crime No.1236 of 2014, and after investigation filed the final report that was taken cognizance by the Magistrate supra.

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 to quash the cognizance taken by the Magistrate for the said offences against the accused, the same is disposed of giving liberty to the petitioners to file an 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].

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:21-09-2015
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[\[1\]](#) (2005)1 SCC 568