

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.3881 of 2015

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ORDER :

This criminal petition is filed under Section 482 Cr.P.C. by the petitioner/A.2 seeking to quash the proceedings in C.C.No.318 of 2015 on the file of the III Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 420, 354 and 506 read with 34 IPC.

2. Heard, the learned counsel for the petitioner/A.2 and the 1st respondent-State represented by the learned Public Prosecutor, before hearing for admission and before ordering notice to the 2nd respondent-de facto complainant and perused the material on record which falls short even to admit the application under Section 482 Cr.P.C. to quash the charge sheet proceedings, but for to say if any particular penal provision, like Section 354 IPC, has no application among several penal provisions mentioned and taken cognizance, the remedy is to approach the learned Magistrate concerned under Section 239 Cr.P.C. before hearing on charges to consider and pass appropriate orders on own merits. In the event of filing an application by the petitioner/A.2 along with the other accused under Rule 37 of the Criminal Rules of Practice, the learned Magistrate shall pass orders permitting one of the accused to represent the other accused, subject to personal attendance of all as and when required for any particular adjournment.

3. Subject to the above, the criminal petition is disposed of.

4. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

4th June 2015.

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