

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4281 of 2015

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners-A.2 to A.7 in C.C.No.52 of 2015 on the file of the learned Judicial Magistrate of First Class, Parchuru, Prakasam District to quash the proceedings in said case.

2. Heard the learned counsel for the petitioners/A.2 to A.7 so also the learned Public Prosecutor representing State-1st respondent before ordering notice to the 2nd respondent/de facto-complainant and perused the material on record.

3. As the matter falls short to admit the application under Section 482 of Cr.P.C. in C.C.No.52 of 2015 taken cognizance of the offences under Section 498-A and 494 read with 34 of I.P.C. and under Sections 3 and 4 of the Dowry Prohibition Act(for short, 'the DP Act') against the accused persons, the Criminal Petition is disposed of by giving liberty to the petitioners to move an application under Section 239 of Cr.P.C. before the trial Court, if there are any grounds to decide from the prosecution material as envisaged by the Apex Court in **State of Orissa Vs. Debendra Nath Pathi**^[1]. Needless to say if one of the accused persons wants to represent the other accused persons among A.1 to A.7, the learned Magistrate shall consider the application under Rule 37 of Criminal Rules of Practice and permit so, with necessary conditions unless their personal attendance is required for any particular adjournments. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date: 19.06.2015

Vvr

^[1] (2003) 2 SCC 711]