

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

* * * *

CRIMINAL PETITION No.6977 of 2015

Between:

Madanu Joyel & 5 others

.. Petitioners/ accused Nos.1 to 4

And

State of Telangana,
Rep. by its Public Prosecutor,
High Court Buildings, High Court, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 05-08-2015

SUBMITTED FOR APPROVAL:

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO**

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Crl.P. No.6977 of 2015

—
ORDER :

This Criminal Petition is filed by the petitioners/

accused Nos.1 to 6, under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.534 of 2015 on the file of Principal Senior Civil Judge, Mancherial, Adilabad District, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of D.P Act, from the final report filed by police which is outcome of report of 2nd respondent—de facto complainant in Crime No.171 of 2013 of Narsapur CCC, Adilabad District.

2) Heard learned counsel for the petitioners/ accused Nos.1 to 6 as well as 1st respondent—State represented by learned Public prosecutor before admission and before ordering notice to 2nd respondent—de facto complainant and perused the material.

3) A perusal of the charge sheet filed by counsel for the petitioners show the prosecution examined 12 witnesses including LWs.11 and 12, who are police officials in registering the Crime and filing of final report LW.1—the victim and other witnesses 2 to 10 are the witnesses who speak the cruelty and harassment for dowry. Undisputedly, 161 Cr.P.C statement of LWs.1 to 10 not even filed in this case as pointed out by the learned public prosecutor. However, it is submission from the learned counsel for petitioners that a perusal of the FIR itself makes out the case either under Section 498-A IPC and Sections 3 & 4 of D.P Act and even reading of chargesheet which is defective

on material aspects that it makes out that case, it is fit for quashing of the FIR and charge sheet that was taken by learned Magistrate as referred supra. In the absence of Part-II CD and going through the record, the Court cannot say anything from reading of the charge sheet and the FIR, on its reading shows the demand of dowry meted at the time of marriage and there are further demands besides cruelty and harassment, it is the requirement to go through the statement to decide how far any case made out against any of the accused persons.

4) As the material falls short for this Court to admit the Criminal Petition but for the entitlement of concession of regular bail, the Criminal Petition is disposed of giving liberty to petitioners to file an application under Section 239 Cr.P.C for discharge, if there are no grounds to frame charge under Section 240 Cr.P.C by the learned Magistrate only from the prosecution as per the expression laid by the Apex Court in ***State of Orissa V. Debendranath Padhi***^[1] and the learned Magistrate shall consider after hearing and pass appropriate orders on merits. Needless to say, if they file any application under Rule 37 of Criminal Rules of Practice, the learned Magistrate shall hear and pass appropriate orders permitting to one on behalf of other accused with necessary conditions including personal appearance as and when required.

5) Miscellaneous petitions, if any pending in this

Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

05.08.2015

knI

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

Crl.P. No.6977 of 2015

Date:05.08.2015

Knl

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