

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.7524 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.2 to A.4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.21 of 2015 on the file of the Judicial Magistrate of First Class, Palasa, Srikakulam District.

2. Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor, before admission and before notice to the 2nd respondent and perused the material on record.

3. The petitioners are A.2 to A.4 in C.C.No.21 of 2015 on the file of the Judicial Magistrate of First Class, Palasa, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A and 406 IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961, from the final report filed by the police, which is outcome of Crime No.295 of 2014 on the report of the 2nd respondent-*de facto* complainant, who is no other than the wife of A.1.

4. There is no Part-II C.D. undisputedly. A perusal of the material falls short for this Court to admit the petition under Section 482 Cr.P.C. to quash the calendar case.

5. Hence, the criminal petition is disposed of giving liberty to the petitioners to file an application under Section

239 Cr.P.C. for discharge before the learned Magistrate, if there are no grounds to frame charges under Section 240 Cr.P.C., the learned Magistrate there from to consider only from the prosecution material on own merits and pass appropriate orders. Needless to say further, in the event of filing any application on behalf of the accused persons including these petitioners under Rule 37 of the Criminal Rules of Practice one to represent, the learned Magistrate shall hear and permit them so to represent with necessary conditions. Further remedy, if any, in the event of framing of charges and on examination of accused is left open.

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

Dr. B. SIVA SANKARA RAO, J

24th August 2015.

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