

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10691 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.1 and 2 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.428 of 2015 on the file of III Metropolitan Magistrate, Visakhapatnam, where the learned Magistrate has taken cognizance for the offence punishable under Sections 341, 326, 323, 506 r/w 34 IPC in Crime No.127 of 2015 of Kancharapalem Police Station, Visakhapatnam, which is outcome of report of 2nd respondent—de facto complainant.

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

3) As the facts falls short for this Court to admit the Criminal Petition filed under Section 482 Cr.P.C to quash the proceedings in Calender case, hence the Criminal Petition is disposed of, giving liberty to petitioners to file an application to discharge under Section 239 Cr.P.C, if there are no grounds to frame charges under Section 240 Cr.P.C before the learned Magistrate and the learned Magistrate shall consider only from the prosecution material vide ***State of Orissa vs. Debendra Nath Padhi***. Needless to say, in the event of filing any application under Rule 37 Cr.R.P on behalf of the petitioners/ accused Nos.1 and 2 for one to represent another, the learned Magistrate shall consider and permit with necessary conditions including personal appearance as and when required. Further remedies are left open in the event of framing of charges by the trial Court.

4) Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.14.10.2015

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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CRIMINAL PETITION No.9705 of 2015

Date:14.10.2015

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