

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5255 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.1 to 5 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.118 of 2014 on the file of Judicial Magistrate of First Class, Guntakal, registered for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of D.P Act.

2) Heard learned counsel for the petitioners/ accused Nos.1 to 5 as well as learned public prosecutor representing 1st respondent—State before admission and before ordering notice to 2nd respondent. Perused the material on record.

3) The petitioners are unable to say whether the charges are framed after hearing, as contemplated by Section 239 read with 240 Cr.P.C. They are saying that almost all the petitioners residents of Karnataka at Bellary and permanent residents of Bangalore and out of them, accused No.3 is aged women.

4) Having regard to the above and part-II CD, as the material falls short for this Court to admit the application filed under Section 482 Cr.P.C to quash the proceedings against the accused Nos.1 to 5, the Criminal Petition is disposed of giving liberty to petitioners to file an application before the trial Court under Section 239 Cr.P.C for the trial Court to

material vide ***State of Orissa vs. Debendra Nath Padhi***^[1].

Needless to say, if charges not framed or even framed under Section 216 Cr.P.C for deletion or alteration of said charges respectively without prejudice to that right and in the event of framing charges or dismissal of the application under Section 216 Cr.P.C as the case may be, if they want to represent one amongst the other, the learned Magistrate shall permit them to represent one on behalf of all under Rule 37 Cr.R.P in the event of filing an application after hearing and with necessary conditions, any other remedy is left open there after.

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

Dr. B. SIVA SANKARA RAO, J

Dt.24.06.2015

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Date: 24.06.2015

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[\[1\]](#) AIR 2005 SC 359