

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8907 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/A-7 under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C. No.25 of 2014 on the file of Additional Judicial Magistrate of the First Class, Palakole, West Godavari District which was the outcome of Crime No.61 of 2013 of Achanta Police Station registered at the instance of the 2nd respondent for the offences punishable under Sections 366-A, 376, 305, 302 read with 34 I.P.C.

2) Heard the learned counsel for petitioner and the 1st respondent-State before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) As per the prosecution material, the deceased girl met with homicidal death who is aged about 15 years and at any cost, even from the say of the accused, a minor girl. It is the contention of the learned counsel for the petitioner that the petitioner/A-7 mcuhless any of his family members viz., A-5, A-8 and A-9 are nothing to do with the alleged luring of the deceased minor girl by A-1 or for the homicidal death taken place at Vijayawada and they are falsely roped. In fact, the committal proceedings are practically a post office duty, but for compliance of Section 209 (a) to (d) Cr.P.C, where it appears the case for committal.

4) The material, at this stage, falls short for this Court to admit the application to quash the charge sheet proceedings pending in P.R.C. No.25 of 2014 but for giving liberty to file an application under Section 227 Cr.P.C, if any grounds to frame charge against any of

the accused persons, before the learned Sessions, for the learned Sessions Judge to decide the same only from the prosecution material vide ***State of Orissa V. Debendranath Padhi***^[1]. Further remedies, if any, are left open to such of the accused aggrieved in the event of framing of charges.

5) Needless to say the learned Magistrate shall commit the case as early as possible and the learned Sessions Judge, after appearance of the accused persons as A-5 to A-9 are from Mumbai, permit one on behalf of others to represent under Rule 37 of Criminal Rules of Practice.

6) With the above observations, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

18.09.2015
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^[1] (2005)1 SCC 568