

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

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Crl.P. No.6372 of 2015

Between:

Pujari Uday Kumar & 3 others

.. Petitioners/ accused Nos.2 to 5

And

The State of Telangana, rep. by its SHO,

Mancherial P.S., Adilabad District

Through Public Prosecutor, High Court at Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 20-07-2015

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

Yes/No

marked to Law Reporters/Journals

3. Whether Their Lordship wish to

see the fair copy of the Judgment?

Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6372 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/ Accused Nos.2 to 5 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.326 of 2015 on the file of II Additional Judicial First Class Magistrate at Mancherial, Adilabad District, where the learned Magistrate taken cognizance for the offence under Sections 498-A, 323 and 506 IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961.

2) Heard learned counsel for the petitioners/ accused Nos.2 to 5 and learned public prosecutor representing the 1st respondent—state before admission and before ordering any notice to the 2nd respondent—de facto complainant. Perused the material on record.

3) Undisputedly no part-II CD is even filed, the material falls short to admit the application filed under Section 482 Cr.P.C, the same is disposed of giving liberty to the petitioners to file an application under Section 239 Cr.P.C before the learned Magistrate if there are no grounds to frame charges for any of the offences against any of the accused and the learned Magistrate to hear and consider only from the Prosecution material vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say further remedy is left open in the event of framing of charges under Section 240 Cr.P.C. Needless to say further that the petitioners can file an application under Rule 37 Cr.R.P to permit one to represent other accused, the learned Magistrate shall hear and consider with necessary conditions.

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

Dr. B. SIVA SANKARA RAO, J

Dt.20.07.2015
Knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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CRIMINAL PETITION No.6372 of 2015

Date:20.07.2015

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