

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10392 of 2015

ORDER :

This Criminal Petition is filed by the petitioners under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.237 of 2015 on the file of Additional Judicial Magistrate of the First Class, Ramachandrapuram, East Godavari District which is the outcome of Crime No.116 of 2014 of Pamarru Police Station, East Godavari District on the report of the 2nd respondent/defacto-complainant registered for the offences punishable under Sections 498-A I.P.C and Sections 3 and 4 of the Dowry Prohibition Act against four accused including the petitioners, of whom A-1 is the husband and A-4 is sister-in-law.

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

3) It is the contention of the learned counsel for the petitioners that the allegations as vague as anything, so far as the petitioners 1 to 3 who are A-2 to A-4 concerned and they are falsely roped even the

marriage taken place in the year 1994 and in the wedlock they blessed with a female child, for the first time by engineering the allegations in the year 2014 in order to trouble with criminal flavour and thereby the proceedings are liable to be quashed.

4) In fact, the material falls short for this Court to admit the application to quash the calendar case proceedings but for giving liberty to the petitioners to file an application before the learned Magistrate under Section 239 Cr.P.C for discharge if there are no grounds to frame charges under Section 240 Cr.P.C basing on the prosecution material vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say, if the accused 1 to 4 file an application under Rule 37 of Criminal Rules of Practice for one to represent others, the learned Magistrate shall hear and permit the same with necessary conditions of personal appearance, as and when required. Further remedies are left open to the petitioners, in the event of any charges framed under Section 240 Cr.P.C.

5) Accordingly, this Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

29.10.2015
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[\[1\]](#) (2005)1 SCC 568