

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5582 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.2, 3, 8 and 9 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.179 of 2013 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam, registered for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961.

2) Heard learned counsel for the petitioners/ accused Nos.2, 3, 8 and 9 and learned public prosecutor representing the 2nd respondent—state before admission and before ordering any notice to the 1st respondent—de facto complainant. Perused the material on record.

3) As the material falls short to the 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 r/w 240 Cr.P.C for 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 to the petitioners in the event of framing charges, to file an application under Rule 37 Cr.R.P to permit the petitioners to represent one accused among other accused, for 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.10.07.2015
Knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

-
-
-
-
-
-
-
-

CRIMINAL PETITION No.5582 of 2015

Date:10.07.2015

knl

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