

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5937 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/A1 to A5 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.705 of 2014 on the file of XX Metropolitan Magistrate, at Malkajgiri, Cyberabad, Ranga Reddy District.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Andhra Pradesh) for the State before notice to respondent No.2/*de facto* complainant and before admission.

On perusal of the material on record, as it falls short to admit the application, this petition is disposed of giving liberty to the petitioners to file application under Section 239 Cr.P.C., before the learned Magistrate concerned if there are no grounds to frame charge under Section 240 Cr.P.C. and the learned Magistrate shall decide the same only from the prosecution material vide **State of Orissa v. Debendranath Padhi**^[1]. If at all any charges are framed, remedy is left open to the petitioners afresh. Needless to say, if any application is filed to represent one accused on behalf of other accused under Rule 37 of Criminal Rules of Practice, the learned Magistrate shall hear and permit with necessary conditions.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 08-07-2015

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^[1] (2005)1 SCC 568