

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5038 OF 2015

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ORDER:

This Criminal Petition is filed by the petitioners/A2 and A3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.36 of 2015 on the file of Additional Judicial First Class Magistrate, Avanigadda, Krishna District, in connection with Crime No.163 of 2014 of Ghantasala Police Station, Krishna District, for the offence punishable under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

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 under Section 482 Cr.P.C, this application is disposed of giving liberty to the petitioners to move an application under Section 239 Cr.P.C, if there are no grounds to frame charges to hear and decide the application under section 239 Cr.P.C. r/w 242 Cr.P.C vide **State of Orissa v. Debendranath Padhi**, needless to say in the event of framing charges any remedy is further left open to the petitioners. As the petitioners submit that they are residents of Visakhapatnam and the case is pending in Avanigadda of Krishna District, which is far away place and they are senior citizens facing ordeal personal appearance before the Court, they are permitted to file an application under Rule 37 of Criminal Rules of Practice to permit one among all the accused to represent, the learned Magistrate after hearing shall permit the same 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: 18-06-2015

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