

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9938 of 2015

-

ORDER :

This criminal petition is filed by the **petitioner/accused** under Section 482 Cr.P.C seeking to quash the proceedings in **C.C.No.186 of 2015 on the file of the learned III Additional Chief Metropolitan Magistrate, Visakhapatnam, for the offences punishable under Sections 341, 447 and 506(ii) IPC.**

2. Heard the learned counsel for the **petitioner** as well as the

1st respondent-State represented by the Public Prosecutor, before admission and before ordering any notice to the **2nd** respondent and perused the material on record.

3. The material in fact falls short for this Court to admit the application to quash the calendar case proceedings.

4. Hence, the criminal petition is disposed of giving liberty to the **petitioner/accused** to move an application under Section 239 or 259 Cr.P.C., as the case may be, before the learned Magistrate if there are no grounds to frame charges under Section 240 Cr.P.C. to seek discharge, the learned Magistrate there from to consider only from the prosecution material on own merits as laid down by the Apex Court in **State of Orissa v.**

Debendranath Padhi^[1]. Needless to say further, in the

event of filing any application by the petitioner under Section 205 Cr.P.C., the learned Magistrate shall hear and permit the same with necessary conditions including personal appearance as and when required.

5. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27th October 2015.

mar

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