

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7361 of 2015

ORDER :

This petition is filed by the petitioners/A-1 to A-4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.767 of 2014 on the file of VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad which is the outcome of the report of the 2nd respondent/defacto-complainant registered as a case in Crime No.205 of 2013 of Langer House Police Station, Hyderabad for the offences punishable under Sections 420, 406, 323, 506 read with 34 I.P.C.

2) Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record including the anticipatory bail order passed by the learned Sessions Judge in CrI.M.P.No.109 of 2014 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, during investigation, dated 23.01.2014 and the M.O.U between the parties dated 09.03.2012, undisputedly not complied with so far as the alleged Rs.3.00 lakhs out of Rs.5.00 lakhs concerned.

3) A perusal of the material, in fact, falls short to admit the application to quash the proceedings in C.C. No.767 of 2014 in which the learned Magistrate taken cognizance

referred supra but for to dispose of giving liberty to the petitioners to file an application under Section 239 Cr.P.C if there is no material to frame charge under Section 240 Cr.P.C. before the learned Magistrate to consider on own merits vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say that if any application filed under Rule 37 of Criminal Rules of Practice to represent any one of the accused on behalf of other accused in the above C.C. the learned Magistrate shall hear and permit with necessary conditions. Further remedies are left open to the petitioners in the event of framing of charges.

4) With the above observations, the criminal petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.20th August, 2015

KSH

^[1] (2005)1 SCC 568