

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9981 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/ sole accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.191 of 2015 on the file of Judicial Magistrate of First Class Magistrate, Hindupur, Anantapur District, where the learned Magistrate has taken cognizance for the offence punishable under Sections 468 and 471 IPC, which is outcome of report of 2nd respondent—de facto complainant in Crime No.8 of 2010 of Hindupur I Town Police Station, Anantapur District. After investigation, the police filed final report that was taken cognizance by the learned Magistrate for the offences supra.

2) Heard learned counsel for the petitioner/ accused as well as 1st respondent—State represented by learned Public Prosecutor before admission and before ordering notice to 2nd respondent—de facto complainant. Perused the material on record.

3) As the facts falls short for this Court to admit the Criminal Petition filed under Section 482 Cr.P.C to quash the proceedings in Calender case, hence the Criminal Petition is disposed of, giving liberty to petitioner to file an application under Section 239 Cr.P.C to discharge, if there are no grounds to frame charges under Section 240 Cr.P.C before the learned Magistrate and the learned Magistrate shall consider only from the prosecution material vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say, if any application filed by the petitioner/ accused under Section 205 Cr.P.C before the learned Magistrate to represent through special vakalath holder, the learned Magistrate shall hear and permit with necessary conditions including personal appearance as and when required.

4) Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.28.10.2015

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Date:28.10.2015

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