

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5067 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.2 & 3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.145 of 2014 on the file of the Judicial First Class Magistrate, Udayagiri, SPSR Nellore District, outcome of Crime No.92 of 2014 of Duttalur Police Station, SPSR Nellore District, on the report of the 2nd respondent/ de facto complainant against A1—husband and A2 and A3—in laws of de facto complainant and pursuant to the final report filed by the police, the learned Magistrate taken cognizance for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of D.P Act.

2) Heard learned counsel for the petitioners/ accused Nos.2 and 3 and learned public prosecutor for 1st respondent—state before admission and before ordering any notice to de facto complainant—2nd respondent. Perused the material on record.

3) As the material falls short for this Court to admit the application filed under Section 482 Cr.P.C to quash the proceedings, by taking cognizance of the offences against them, in CC No.145 of 2014, the Criminal Petition is disposed of, giving liberty to petitioners, if there is any material from the prosecution case to submit by filing application under Section 239 Cr.P.C pursuant to the observations of the Apex Court in ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say, in the event of filing any application by the petitioners/ accused Nos.2 & 3 under Rule 37 Cr.R.P, the petitioner/ accused No.1 to represent one instead of all the three to attend personally, pending trial unless

personal appearance of all from any of them required so to direct any specific adjournment.

4) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.19.06.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date: 19.06.2015

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