

**THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**  
**CRIMINAL PETITION No.8813 OF 2015**

**ORDER:**

This Criminal Petition is filed by the petitioners/A-1 and A-2 under Section 482 Cr.P.C seeking to quash the proceedings in F.I.R.No.157 of 2015 on the file of Tadepalligudem Police Station, West Godavari District, Andhra Pradesh, registered for the offences punishable under Sections 498-A and 506(2) read with 34 I.P.C.

2. Heard the learned counsel for the petitioners/A-1 and A-2 and respondent No.1 – State represented by the Public Prosecutor (Andhra Pradesh) before admission, and before ordering notice to respondent No.2 – *de facto* complainant, and perused the material on record including the private complaint filed by respondent No.2, who is no other than the wife of A-1, that was referred to police for investigation by the learned Magistrate in registering the crime pending under investigation.

3. It is the contention of the learned counsel for the petitioners that the learned Magistrate did not properly apply his judicial mind under Section 156(3) Cr.P.C. and did not follow the guidelines as laid down by the Apex Court in **Mrs.Priyanka Srivastava and another vs. State of Uttar Pradesh and others**<sup>[1]</sup> and simply referred the private complaint as if a cognizable offence is made out instead of seeing what are the circumstances to refer the complaint for police investigation. It is also his contention that the allegations are engineered for the purpose of case and there is no enclosure of any report to police much less sending by registered post in advance before filing the complaint, as laid down in the said expression.

4. After perusal of the entire material on record, the material falls

short for this Court to admit the Criminal Petition for quashing under Section 482 Cr.P.C., as there is an affidavit in support of the private complaint and there is an observation about a cognizable offence made out in its reading in referring to police investigation though not in so many terms, what permitted to order for investigation, but for to say the factual matrix entitles to the concession of bail by the petitioner.

5. Accordingly, the Criminal Petition is disposed of giving liberty to the petitioner to surrender before the learned Magistrate concerned and move for regular bail with notice to the learned Assistant Public Prosecutor concerned and in such an event, after hearing, the learned Magistrate shall grant bail with necessary conditions on the same day. Needless to say, the presence of the petitioner before the concerned Court be dispensed with at post bail stage pending investigation.

Further remedies are left open to the petitioner after police filing final report and cognizance taken by the learned Magistrate concerned.

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

**Dr. JUSTICE B.SIVA SANKARA RAO**

Date: 9.9.2015  
AMD

**THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

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