

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.8829 OF 2014

ORDER:

This Criminal Petition is filed by the petitioners/A2 to A4 under Section 482 Cr.P.C seeking to quash the proceedings in S.C.No.145 of 2014 on the file of Additional Assistant Sessions Judge, Tirupati, where cognizance was taken for the offence punishable under Sections 498-A, 306 r/w 34 I.P.C, which is an outcome of crime No.282 of 2013 of Tirchanur Police Station, Tirupati Urban District.

Heard the learned counsel for the petitioners, the learned Public Prosecutor for respondent Nos.1 and 2 Sri P.Sudhakar Reddy, learned counsel for respondent No.3/*de facto* complainant.

Perused the material on record. Undisputedly, as on date PWs.1 to 7 are examined and only the evidence of the investigating officer and officials are remained. It is the contention that there is no any incriminating evidence from Pws.1 to 7 against them and they are liable to be acquitted by quashing the proceedings of S.C.No.145 of 2014. Needless to say even invoking Section 232 Cr.P.C. from the prosecution material if there is no evidence to prove the accusation so far as A2 to A4 are concerned, they can ask the trial Court to discharge them that tantamounts to acquittal. It can be even by dispense with the Section 313 Cr.P.C. examination if no incriminating material in so far as them is concerned, without need of entering into any defence evidence. The learned Judge in such an event, can pass appropriate orders on own merits to

discharge if no material or else to proceed with further trial from evidence on record. Subject to that, if any application is filed under Rule 37 of Criminal Rules of Practice by the petitioners along with other accused to represent one among others, the learned Judge can permit with necessary conditions of personal appearance, as and when required.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 03-07-2015

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