

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.8443 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/accused Nos.1, 2, 3, 6 and 7 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.184 of 2015 on the file of the Judicial Magistrate of First Class, Manuguru, Khammam District, which is the outcome of the report of respondent No.2 – *de facto* complainant, dated 30.3.2015, in Crime No.65 of 2015 on the file of Manuguru Police Station, Khammam District, registered for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard learned counsel for the petitioners/accused Nos.1,2, 3, 6 and 7 and learned Public Prosecutor (Telangana) appearing for respondent No.1 - State before admission, and before ordering any notice to respondent No.2 - *de facto* complainant. 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, the Criminal Petition is disposed of, giving liberty to petitioners to move the trial Court by filing an application under Section 239 Cr.P.C., if there are no grounds to frame any charge for the learned Magistrate to pass appropriate orders only from the prosecution material, as laid down by the Apex Court in ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say, in the event of framing charges, the petitioners are given liberty to file an application under Section 205 Cr.P.C to represent through Special Vakalath holder and the learned Magistrate shall hear and consider the same with necessary conditions. Needless to say further that in the event of filing an application under Rule 37 of the Criminal Rules of

Practice for one of the accused to represent A-1 to A-7, the learned Magistrate shall consider and permit the same with necessary conditions including personal appearance as and when required.

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

Dr. JUSTICE B.SIVA SANKARA RAO

Date: 9.9.2015
AMD

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[\[1\]](#) 2005 (1) SCC 568