

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8489 of 2015

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ORDER :

This criminal petition is filed by the petitioner/A.37 under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C.No.32 of 2006 on the file of the Additional Judicial First Class Magistrate, Narasapur, West Godavari District, for the offences punishable under Sections 143, 147, 448, 435, 436, 437, 440, 307, 379 or 411, 332 and 353 read with 149 IPC.

2. Heard the learned counsel for the petitioner as well as the 1st respondent-State represented by the Public Prosecutor, before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. On the complaint given by the *de facto* complainant-2nd respondent herein, the Narsapur Rural Police Station registered Crime No.39 of 2005 against the petitioner and others. After filing of final report, the learned Magistrate has taken cognizance for the offences referred supra.

4. The material in fact falls short for this Court to admit the criminal petition to quash the P.R.C. proceedings.

5. Accordingly, the criminal petition is disposed of. However, remedy is left open if the petitioner wants to file an application under Section 227 Cr.P.C. at the post bail stage and under Section 193 Cr.P.C. before the Court of Sessions during hearing on charges as contemplated by Sections 226 to 228 Cr.P.C., there from to consider only from the prosecution material on own merits as laid down by the Apex Court in **State of Orissa v. Debendranath Padhi**.

6. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

13th October 2015.

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