

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

* * * *

CRIMINAL PETITION No.6090 of 2015

Between:

K.Prasad Babu & 2 others

.. Petitioners/ accused Nos.2 to 4

And

Smt.Divya Kala & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 10-07-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers

Yes/No

may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6090 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/

accused Nos.2 to 4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.1670 of 2011 on the file of the IX Metropolitan Magistrate at Kukatpally, registered for the offences punishable under Sections 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act, 1961.

2) Heard learned counsel for the petitioners/ accused Nos.2 to 4 and learned public prosecutor representing the 2nd respondent—state before admission and before ordering any notice to the 1st respondent—de facto complainant. Perused the material on record.

3) As the material falls short to the admit the application filed under Section 482 Cr.P.C, the same is disposed of giving liberty to the petitioners to file an application under Section 239 Cr.P.C r/w 240 Cr.P.C for the learned Magistrate to hear and consider only from the Prosecution material vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say further remedy is left open to the petitioners in the event of framing charges. Petitioners and other accused can file application under Rule 37 Cr.R.P to permit one of them to represent other accused and in such event the learned Magistrate shall hear and consider with necessary conditions.

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

Dr. B. SIVA SANKARA RAO, J

Dt.10.07.2015
Knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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CRIMINAL PETITION No.6090 of 2015

Date:10.07.2015

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