

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4066 OF 2015

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ORDER:

This Criminal Petition is filed by the petitioners/accused Nos.4 to 9 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.443 of 2014 on the file of Judicial First Class Magistrate, Gooty, Ananthapur District, in connection with Crime No.322 of 2014 of Gooty Police Station for the offence punishable under Sections 498-A, 323 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Andhra Pradesh) for the State before notice to respondent No.2/*de facto* complainant and before admission.

On perusal of the material on record, as it falls short to admit the application under Section 482 Cr.P.C, this application is disposed of giving liberty to the petitioner to approach the learned Magistrate concerned by filing an application under Section 239 Cr.P.C. Needless to say, from the prosecution material the learned Magistrate shall decide the discharge application under section 239 Cr.P.C. r/w 242 Cr.P.C vide **State of Orissa v. Debendranath Padhi**.

In the event of petitioner files an application under Rule 37 of Criminal Rules of Practice to permit one among all the accused to represent, the learned Magistrate after hearing shall permit the same.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 08-06-2015

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