

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10290 OF 2015

ORDER:

This Criminal Petition is filed by petitioners/A1 and A2 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.949 of 2013 on the file of IX Metropolitan Magistrate, Kukatpally, Cyberabad, Hyderabad, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act. The petitioners herein are husband and mother-in-law of the *de facto* complainant.

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State before notice to respondent No.2 and before admission. Perused the material on record.

As the material falls short for this Court to admit the application for quashing of C.C. proceedings, this application is disposed of giving liberty to petitioners to file an application under Section 239 Cr.P.C. before the learned Magistrate concerned if no grounds to frame charge under Section 240 Cr.P.C. in such an event the learned Magistrate shall hear and pass appropriate orders on own merits from the prosecution material vide **State of Orissa v. Debendranath Padhi**. In the event of framing charges or cognizance taken by the learned Magistrate, further remedies left open.

Needless to say, if the petitioners file an application under Rule 37 of Criminal Rules of Practice for one to represent others, the learned Magistrate shall hear and permit the same 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:30-10-2015

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